

**Board of Selectmen
Minutes of Tuesday, January 4, 2022
Zoom Remote – Public Access**

ATA Glenn Cannon

Board of Selectmen

Peter Meier, Chair
George Slade, Clerk
Judy Froman, Vice Chair
Mary Jane Mastrangelo

Excused

Jared MacDonald

Others: Maggie Shea, Michael Rausch, Steve Mealy, Renee Gratis, Anne-Marie Siroonian, Karen Johnson, Chris Hyldborg, Shawn Patterson, John York, Gary Maloney, Jim Fitzgerald, Sue Baracchini, Jordan Baracchini.

Note this Zoom videoconference meeting is being televised, streamed, or recorded by Bourne TV.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099 Meeting ID: 892 0577 2813 Password: 058047.**

If you already have the Zoom App downloaded to your device or computer, you may simply join the meeting by entering the Meeting ID and Password noted above or go to <https://zoom.us/meetings> and look for the Join Meeting button. Please MUTE your phone/microphone upon entry.

Participants wishing to speak should click the "Participants" icon on the lower toolbar and then click "Raise Hand" in the dialog box to notify the Chair. The Chair will recognize participants. For participants who are calling into the meeting and wishing to speak, they should press *9 to notify the Chair. The Chair will recognize participants.

All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Selectmen.

- 1. Moment of Silence to recognize our Troops and our public safety personnel.**
- 2. Salute to the Flag**
- 3. Vision:** Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.
- 4. Mission:** Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable, and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with

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TOWN CLERK BOURNE

others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

5. Public Comment on Non-Agenda Items

- a. Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.

6. Approval of Minutes: 10/8/21 (as amended) and 11/29/21

Voted: Mary Jane Mastrangelo moved, and George Slade seconded to approve the minutes of October 8, 2021, as amended.

Roll Call Vote: Mary Jane Mastrangelo – yes, Judy Froman – yes, George Slade – yes, and Chair Meier – yes.

Vote: 4-0-0.

Voted: Judy Froman moved, and Mary Jane Mastrangelo seconded to approve the minutes, with the edits to be made, of November 29, 2021.

Roll Call Vote: Chair Meier – yes, George Slade – yes, Judy Froman – yes, and Mary Jane Mastrangelo – yes.

Vote: 4-0-0.

7. Board of Selectmen Business

- a. Discussion and possible vote to allow Girl Scout Maggie Shea to install a “little free library” at the Monument Beach playground.
- b. Charter Review Committee Presentation by Steve Mealy, Chairperson and the Charter Review Committee.
- c. Climate Resilience Investment System and Implementation Plan presentation by Dan Nees representing the Environmental Protection Agency's (EPA) Southeast New England Program (SNEP) Southeast New England Program.
- d. Environmental Partners presentation on the 5 Corners and Barlows Landing Road intersections.
- e. Discussion and possible vote to dissolve the existing South Side Fire Station Feasibility and Design Building Committee.
- f. Discussion and possible vote to approve the South Side Fire Station Feasibility and Design Building Committee charge and membership.
- g. Discussion and possible vote to allow an extension of time to the Barnstable County Commissioner to evaluate our offer to purchase the Barnstable County Land off County Road (approximately 65 acres) for the sum of \$500,000.
- h. Discussion and possible vote to sponsor revisions to existing and proposed Town Bylaw changes:
 - a. Revised Bylaw 3.1.28 (Temporary Repairs of Private Ways)
 - b. Revised Bylaw 3.1.37 (Layout and Acceptance of Private Ways)
 - c. Private Road Repair Bylaw.

- i. **Discussion and possible vote to go to accept two donations to the Bourne library both in the amount of \$250.**
 - j. **Town Administrator Screening Committee report and recommendations of candidates**
- 7.a. Discussion and possible vote to allow Girl Scout Maggie Shea to install a “little free library” at the Monument Beach playground.**

Maggie Shea introduced herself and said that she is in Girl Scout Troop 62919. She said that she would like to set up a “little free library” for her civil work project. She said that she would build and set up the library with children’s books at the Monument Beach playground. She said that a silver award is the second highest award that a girl scout can earn, and it is the highest award for her age level. She said that girl scouts that earn the award by working to better the world and their community. She explained the benefits of reading for children and said that some families do not have the money or the access to obtain books, and that is why she would like to set up the “little free library” with only children’s books. She said she would set the library up away from the parking lot, close to the tennis courts.

Judy Froman asked Maggie Shea if she was looking for donations of children’s books. She said did receive some donations from the Bourne Public Library and that all donations help. Mary Jane Mastrangelo said she started talking with Ms. Shea last year about her project and she said that she did a great job navigating the steps that she needed to take to do a project in Bourne. George Slade wanted to clarify that she means the Chester Park playground and he asked who will replenish and maintain the books. She said that she will maintain and replenish for a while and people will also return books when they take more.

Voted: Mary Jane Mastrangelo moved, and George Slade seconded, to allow Maggie Shea of the Girl Scouts of America to construct a free library on Town property at the Monument Beach/Chester Park playground in Monument Beach, location and specification of the free library shall be approved by the DPW Superintendent, Shawn Patterson.

Roll Call Vote: Chair Meier – yes, George Slade – yes, Mary Jane Mastrangelo – yes and Judy Froman – yes.

Vote: 4-0-0.

- 7.b. Charter Review Committee Presentation by Steve Mealy, chairperson and the Charter Review Committee.**

Steve Mealy thanked the Board for allowing them to address the Board, and he wanted to recognize Renée Gratis and Anne-Marie Siroonian as being members of the Charter Review Committee and for attending the meeting. He said that he sent the Board, through email, documentation to move forward with the submission of the Town’s vote to accept the revised charter unanimously at Town Meeting, as proposed by the Review Committee. He said he included the recommended changes that unanimously were adopted at the November 15th Special Town Meeting, and he identified two scrivener’s changes which were both spelling changes that were found after the submission to Town Meeting. He also included a copy of the article and the motions that were made. In addition, he has two e-ring binders with almost 500 pages of documentation that covers the work that the committee has done over thirteen months.

Judy Froman said that she hopes that this process moves along quicker than the last time and she also said that the amount of work that the Charter Review Committee has done is impressive. Glenn Cannon said he is going to ask Town Counsel to draft a motion for the Charter to move it forward to the State House, to ensure the language is correct and to avoid hitting any roadblocks.

Voted: Mary Jane Mastrangelo moved, and Judy Froman seconded, to accept the Charter with the recommendations for changes as presented by the Charter Review Committee and to request the Acting Town Administrator to have Town Counsel provide a motion to file the Home Rule petition.

Roll Call Vote: Judy Froman – yes, Mary Jane Mastrangelo – yes, George Slade – yes, and Chair Meier – yes.

Vote: 4-0-0.

Chair Meier asked if the Board would be fine with addressing agenda item 7.j. out of order, and they confirmed they were fine with the change.

7.j. Town Administrator Screening Committee report and recommendation of candidates to interview.

Bernie Lynch was not on the Zoom meeting yet so Chair Meier said that they would go to agenda item 8.d.

8.d. 7:15 Pole Hearing - 5 Squeteague Harbor Rd. to install one underground cable to provide electrical service.

Chair Meier read aloud the public hearing notice:

NOTICE

TOWN OF BOURNE

POLE HEARING

Notice is hereby given that a public hearing will be held at 7:15 P.M. on Tuesday, January 4, 2022 upon the petition dated October 29, 2021 from Nstar Electric Company [d/b/a Eversource Energy] for the installation of one handhole, conduit and underground cable in Squeteague Harbor Road, Bourne.

This petition is necessary to bring service to a new home at 5 Squeteague Harbor Road in Bourne, which designated route of line you are an owner of real estate, as determined by the preceding assessment for taxation.

The meeting will be Zoom Remote with access for the phone number for calling in on the posted agenda, which can be found on the Town of Board website calendar (www.townofbourne.com)

Voted: Mary Jane Mastrangelo moved, and Judy Froman seconded, to open the Public Hearing.

Roll Call Vote – Chair Meier – yes, George Slade – yes, Judy Froman – yes, and Mary Jane Mastrangelo – yes. 4-0-0.

Karen Johnson of Eversource explained where the electric service would run to provide electric service to 5 Squeteague Harbor Rd., in Bourne.

Voted: Mary Jane Mastrangelo moved, and George Slade seconded, to close the Public Hearing.

Roll Call Vote – Chair Meier – yes, Judy Froman – yes, Mary Jane Mastrangelo – yes, and George Slade – yes. 4-0-0.

Voted: Mary Jane Mastrangelo moved, and George Slade seconded, to approve the installation of one handhole conduit and underground cable on Squeteague Harbor Rd. in Bourne, for the purpose of bringing electrical service to a new home located at 5 Squeteague Harbor Rd.

Roll Call Vote – Mary Jane Mastrangelo – yes, George Slade – yes, Judy Froman – yes and Chair Meier – yes. 4-0-0.

7.c. Climate Resilience Investment System and Implementation Plan presentation by Dan Nees representing the Environmental Protection Agency's (EPA) Southeast New England Program (SNEP) Southeast New England Program

Dan Nees, a project partner at Throwe Environmental, gave a summary of a process that they went through. He said that Throwe Environmental works throughout New England and specifically they have been partnering on a project called the Southern New England Partnership, which is an initiative of EPA that is managed by the University of Southern Maine. Throwe Environmental has been providing technical assistance to communities associated with financing climate resilience activities. He showed a draft of the final report and he talked about creating a resilient financing system. He said that Bourne is uniquely vulnerable or at risk, when it comes to climate change and Bourne is unique in the effort that they have put into climate resiliency.

Mr. Nees said that his first recommendation for the Town is to formalize its climate resiliency programs. The second recommendation is the need for a resilience fund. The third is to have a resilience director. Tim Lydon added that this technical assistance is the first step and it's a great opportunity to take a step forward to set Bourne up for the future so that the Town is resilient to climate change, and the infrastructure can last, and make it sustainable in saving money.

Mary Jane Mastrangelo said she was at the Municipal Vulnerability Workshop a few years ago and it was an educational experience. She said she thinks they need to get the financial planning done. She asked Mr. Nees what he meant by water planning. Mr. Nees said there are wastewater, stormwater and drinking water, flooding, and drainage issues. He said that all of those are going to be important. Some will require looking at existing revenue sources and there may be a new need for some revenue sources. At some point the Town needs to look at water comprehensively to see what needs to be done.

George Slade asked Mr. Nees to what degree has he collaborated with the Cape Cod Commission. Mr. Nees said that he has collaborated with the Cape Cod Commission and the Commission has

been very involved and has quite a bit of resources and what is important is how they can help Bourne by making connections to other communities.

Acting Town Administrator Glenn Cannon thanked Dan Rees for his presentation and the individual departments in Bourne that have worked on climate resiliency, and he thanked the residents of Bourne. He said he is not recommending a Resiliency Director at this time, in this budget, as there hasn't been time to plan it out, though it is something that will be looked at in the future, as there could be more funding and this position will grow more.

Chair Meier said personally he feels that this is one of the most important goals and objectives over the next few years in Bourne because of the type of community that Bourne is.

7.j. Town Administrator Screening Committee report and recommendation of candidates to interview.

Bernie Lynch said that he was there to present the conclusion of the Town Administrator Screening Committee work that is bringing two finalists for the Town Administrator position to be interviewed next week. He said the committee spent quite a bit of time going through the resumes and speaking with board members and to other members of the community to identify what the Town was looking for. There were twenty applicants for the position. The committee identified six candidates to interview and after interviews, decided on two final candidates.

The first candidate is Jennifer Callahan, who has been the Town Manager in Oxford, MA for the past three years. She had previously been with the Town of Millville, which had some serious financial issues, and she went in and worked the issues through. She previously served as a State Representative for the legislative district in that area for eight years and has a strong background in public health and health management.

The second candidate is Marlene McCollem who was recently the Assistant Town Manager in Plymouth, MA. She had been there for four years and was dealing with a complex governmental and political environment in the Town of Plymouth over that time. Her portfolio is extensive in terms of the departments that she oversaw, as well as her experience in budgeting, collective bargaining, and racial issues. Prior to Plymouth, she had served a short time on the Metropolitan Area Planning Commission related to housing issues. She also served in the Town of Carver as their Community Economic Development Director. Her background is in Planning.

Chair Meier asked the rest of the Board if they were comfortable with interviewing the recommended candidates. Judy Froman said she thinks it is a good idea to keep moving forward with the two candidates. Mary Jane Mastrangelo agreed to move forward with the interviews. George Slade asked if this meeting to interview will be in person or on Zoom. There was some discussion on how to hold the interviews and it was decided that it would be an in-person meeting for the interviews with hybrid capability for the public to observe.

Voted: Mary Jane Mastrangelo moved, and George Slade seconded, to accept the slate of candidates as presented by the Town Administrator Screening Committee and to have the Chair work with Community Paradigm to set the interviews with the recommended finalists.

Roll Call Vote – George Slade – yes, Mary Jane Mastrangelo – yes, Judy Froman – yes and Chair Meier – yes. 4-0-0.

7.d. Environmental Partners presentation on the 5 Corners and Barlows Landing Road intersections.

Chair Meier said that Environmental Partners is part of a big conglomerate that is also doing the Wastewater study. Shawn Patterson, DPW Director, said that there are two representatives from Environmental Partners that will be giving the presentation on the two intersections in question. Jim Fitzgerald of Environmental Partners brought the presentation up on the screen. He said that the two intersections in question are on Shore Road, the first, location #1, is where it intersects with County Road, Trowbridge Road and Sandwich Road, and the second is location #2, where it intersects with Barlows Landing Road. He said both projects are in conceptual design phase right now and they had done assessments and evaluations and are looking at what the existing conditions are and how they can be improved.

Mr. Fitzgerald talked about location #1 first and said the purpose to make improvements at this intersection is to really address the safety deficiencies and the high crash rate and to reduce the confusion at the intersection, to address intersection delays as well as the substandard and non-consistent pedestrian accommodations. They collected traffic data and were able to acquire crash data from MassDOT from a 5-year period between 2014 and 2018 in which there were 18 crashes during that time. The crash rate at this intersection is higher than the State and District average which indicates that there is a safety concern at this intersection. They found that there is skew in the alignment of County Road and Sandwich Road and that there is a 3 way stop control that can contribute to the crashes. He showed three alternatives for the intersection for the roadways and pedestrian accommodations and the second and third alternatives include roundabouts.

Chair Meier said he thinks the best option for this intersection would be the alternative that was presented that did not include a roundabout. He feels that the roundabout options are too drastic of a change and could be very expensive. There was discussion about stopping at the access points and about the roundabouts. George Slade brought up the fact that a new Bourne Bridge could alter the impact of these alternatives and wondered if that was built into these plans and Mr. Fitzgerald said that the intersection would need to be looked at once the new bridge is built to see how the traffic patterns change and that this alternative could help the traffic flow.

Renée Gratis said that she feels adding another stop sign as in alternative #1 could cause more problems and she wondered if traffic lights were an option. Mr. Fitzgerald said that based on the traffic data that they collected, the traffic signal warrants for the State of Massachusetts were not met so they cannot be considered. John York asked about bicycle accommodations in these alternatives. Mr. Fitzgerald said that in this instance they are looking at this as an intersection project, and if there was potential to extend project limits to encompass more, then they could investigate providing more width for a longer distance. They can include bicycle signage and markings and they are tightening the areas at the corners where there are currently wide sweeping corners, and they are not tightening the road width.

Chair Meier asked if MassDOT was consulted because Waterhouse and Sandwich Roads are State roads. Mr. Fitzgerald replied that they are not proposing construction on any portion of those roads where they become State roadway. Gary Maloney asked if the proposed roundabouts could accommodate large delivery trucks and Mr. Fitzgerald said that roundabouts are designed to accommodate large trucks, fire trucks, etc. There was some discussion on Chapter 90 and funding.

Judy Forman asked if they had feedback on roundabouts in other communities. Mr. Fitzgerald said he does and that most communities have resistance to roundabouts when first installed and that the resistance in most cases changes to a positive experience within a few months. Mary Jane Mastrangelo said she likes alternative #2, which includes one roundabout and wanted to know if it could be better for bicycle access. Mr. Fitzgerald said that there are options for bicycles, and one is a ramp type of path for bicycles. There was also some discussion about year-round traffic, the lack of signage and summer traffic and the construction costs. The projected costs for alternative #1 is 3.4 million, alternative #2 is 3.6 million, and alternative #3 is 4.6 million. There was some more discussion on the narrowing of the roadway compared to narrowing the corners.

Regarding location #2, Shore Road at Barlows Landing Road, Mr. Fitzgerald said that the purpose of this project is to address substandard pedestrian accommodations, safety deficiencies, a high crash rate, excess pavement and improve circulation and delineation for the abutting businesses at the intersection. He explained a diagram of the intersection and said that when pedestrians are crossing from Barlows Landing Road, they are forced to walk through areas that are shared by parked vehicles on either side of the pizzeria. There are no formalized wheelchair ramps either. The crash rate at this intersection is a little higher than the State and District average, based on MassDOT data.

The proposed changes include a 4 way stop, reconstruction on the sidewalk on the northern side of Barlows Landing Road to be ADA compliant, an addition of a sidewalk on the western side of Shore Road, eliminate an isolated piece of sidewalk on Village Way and add on street parking along the roadway to make up for any impact on the parking situation where the sidewalk is being added. The proposal also includes teeing up the Village Way approach to Shore Road. The curb cuts at the corners will also be addressed to consolidate curb access.

Mary Jane Mastrangelo said she thinks the 4-way stop is very important in this case and it will help with the confusion at the intersection. George Slade feels the 4-way stop will square things up and he feels like it could be enhanced with blinking stop lights as well. Chair Meier agrees and he would like to hear from the residents in both areas to get their input on the proposed ideas. There was some discussion about the 4-way stop in this intersection and about possibly keeping the sidewalk on Village Way, with some of the residents of Bourne. Sue Baracchini said that she walks on that sidewalk on Village Way daily, and she had some suggestions for a crosswalk in a different area. John York suggested that the engineers walk the area to get a better feel about what to do with Village Way, and he had some suggestions for the intersection also. Mr. Fitzgerald said that they have walked it and he said he will look at it again. Chair Meier said there would be more public meetings about these intersections.

7.e. Discussion and possible vote to dissolve the existing South Side Fire Station Feasibility and Design Building Committee.

Chair Meier said that this item will be deferred.

7.f. Discussion and possible vote to approve the South Side Fire Station Feasibility and Design Building Committee charge and membership.

Chair Meier said that this item will be deferred.

- 7.g. Discussion and possible vote to allow an extension of time to the Barnstable County Commissioner to evaluate our offer to purchase the Barnstable County Land off County Road (approximately 65 acres) for the sum of \$500,000.**

Voted: George Slade moved, and Mary Jane Mastrangelo seconded, to allow an extension of time to the Barnstable County Commissioners as requested in their letter of December 22nd, 2021. Their request is to allow additional time for the Barnstable County Commissioner to consider the offer made by the Town of Bourne to purchase the Barnstable County land located off County Road.

Roll Call Vote – George Slade – yes, and Mary Jane Mastrangelo – yes, and Chair Meier – yes. 3-0-0.

- 7.h. Discussion and possible vote to sponsor revisions to existing and proposed Town Bylaw changes:**

- a. Revised Bylaw 3.1.28 (Temporary Repairs of Private Ways)**
- b. Revised Bylaw 3.1.37 (Layout and Acceptance of Private Ways)**
- c. Private Road Repair Bylaw**

Voted: Mary Jane Mastrangelo moved, and George Slade seconded, that the Board of Selectmen take leadership on the sponsorship and refer it to the Policy Sub-committee to determine who needs to be talked to and to come up with a draft recommendation to go to the Board of Selectmen for them to vote the sponsorship to take it to the Bylaw Committee.

Roll Call Vote – Chair Meier – yes, George Slade – yes, and Mary Jane Mastrangelo – yes. 3-0-0.

- 7.i. Discussion and possible vote relative to accept two donations to the Bourne library both in the amount of \$250.**

Voted: Mary Jane Mastrangelo made a motion, seconded by George Slade, to accept the donation of \$250 from Mr. and Mrs. Joseph Donatelle on behalf of the Jonathan Bourne Public Library.

Roll Call Vote – Chair Meier – yes, George Slade – yes, and Mary Jane Mastrangelo – yes. 3-0-0.

- 7.j. Town Administrator Screening Committee report and recommendation of candidates to interview.**

Previously discussed.

8. Appointments and Licenses

- a. Discussion and possible vote to accept the resignation of Harold Kalick from the Zoning Board of Appeals.**
- b. Discussion and possible vote to appoint Pat Nemeth to the Zoning Board of Appeals.**
- c. Annual Common Victualer, Public Livery, Auto Dealers Class II License Renewals.**
- d. 7:15 PM Pole Hearing – 5 Squeteague Harbor Rd. to install one underground cable to provide electrical service.**

8.a. Discussion and possible vote to accept the resignation of Harold Kalick from the Zoning Board of Appeals.

Chair Meier thanked Mr. Kalick for his years of service on the Zoning Board of Appeals and he asked him to put it in writing if he would like to come back as an alternate.

Voted: Mary Jane Mastrangelo moved, and George Slade seconded, to accept the resignation of Harold Kalick from the Zoning Board of Appeals.

Roll Call Vote – Chair Meier – yes, George Slade – yes, and Mary Jane Mastrangelo – yes. 3-0-0.

8.b. Discussion and possible vote to appoint Pat Nemeth to the Zoning Board of Appeals.

Voted: Mary Jane Mastrangelo moved, and George Slade seconded, to allow the Board of Selectmen to deviate from the Board of Selectmen Rules of Procedure requiring a delay in taking action on an item that appears in the current correspondence file and to appoint Pam Nemeth to the Zoning Board of Appeals for a term to expire on June 30, 2023.

Roll Call Vote –George Slade – yes, and Mary Jane Mastrangelo – yes and Chair Meier – yes. 3-0-0.

8.c. Annual Common Victualer, Public Livery, Auto Dealers Class II License Renewals.

Voted: Mary Jane Mastrangelo moved, and George Slade seconded, to approve the following Common Victualer Licenses for calendar year 2022:

- Mic's Main Scoop, Inc.
- Marcom & Son, LLC (d/b/a Jimmy's Diner)

Roll Call Vote –George Slade – yes, and Mary Jane Mastrangelo – yes and Chair Meier – yes. 3-0-0.

Voted: Mary Jane Mastrangelo moved, and George Slade seconded, to approve the following Public Livery Licenses for calendar year 2022:

- RedCap Corps LLC (d/b/a Green Shuttle of Cape Cod)

Roll Call Vote –George Slade – yes, and Mary Jane Mastrangelo – yes and Chair Meier – yes. 3-0-0.

Voted: Mary Jane Mastrangelo moved, and George Slade seconded, to approve the following Auto Dealers – Class II Licenses for calendar year 2022:

- Stephen C. Hurlburt (d/b/a Diamond Auto Sales)
- Cape Cod Restorations, Inc.
- Coastal Motors and Equipment
- SVZ Auto Group, Inc. (d/b/a Cape Cod Car Care)

Roll Call Vote –George Slade – yes, and Mary Jane Mastrangelo – yes and Chair Meier – yes. 3-0-0.

Voted: Mary Jane Mastrangelo moved, and George Slade seconded, to authorize the use of the Selectmen's stamp on Public Livery, Auto Dealers – Class II, and Common Victualer license renewals

Roll Call Vote –George Slade – yes, and Mary Jane Mastrangelo – yes and Chair Meier – yes. 3-0-0.

8.d. 7:15 PM Pole Hearing – 5 Squeteague Harbor Rd. to install one underground cable to provide electrical service

Previously discussed.

9. Town Administrator

a. Community Center plan of action to address building concerns.

b. Lanyards and ID badges for Select Board Members.

9.a. Community Center plan of action to address building concerns.

Gary Maloney said as a point of order for clarification, he cannot see all the attendance numbers and members. He is a trustee of the Community Center, and he cannot tell if there is a quorum or not. It was determined that there was not a quorum present.

Sean Feeney gave a report about the building concerns at the Community Center. He said that the gym bathrooms are open and functional, and regarding the heating issues, they are waiting for the town ESCO contract to go through for the control system repairs, but they did diagnose some valve issues that are being repaired. He said the back window has been repaired and they are looking at two different options for the back bathrooms. He said there is a part on order for the generator and as soon as it comes in it will be installed.

Chair Meier asked about the Wi-Fi issue and Mr. Cannon said that he will get in touch with IT to see where it stands. There was some discussion about heating valves and Mr. Feeney said that he does not have a timeframe for when the supplies will be in.

9.b. Lanyards and ID badges for Select Board Members.

Chair Meier said that the Board of Selectmen should have ID badges like Town employees. George Slade agreed and Mary Jane Mastrangelo said that they could be helpful.

Voted: Mary Jane Mastrangelo moved, and George Slade seconded, to recommend that the Town Administrator issue ID badges to the Board of Selectmen for identification purposes only.

Roll Call Vote – George Slade – yes, and Mary Jane Mastrangelo – yes and Chair Meier – yes. 3-0-0.

10. Correspondence

George Slade said letters were received from the following:

- Tom Barlow, on behalf of the Save the Cape Cod Canal Committee to the Mass DEP and the EPA, affirming the opposition to the discharge of wastewater at the Mass Maritime Academy.
- DEP Waterways about waivers to participate in written comment after 30 days. This was as of September 3rd, 2021, on the Scraggy Neck Recreation Association about construction of a concrete boat ramp.
- Holmes and McGrath concerning the December 8th Board of Health hearing to allow continued use of a septic system at 72 Circuit Avenue during construction.
- Green Seal Environmental regarding a submission of a down gradient status of Town owned property at 236 Main Street of volatile petroleum hydrocarbons, which is up gradient.
- Mark Durell concerning the posted speed limit on Puritan Road being exceeded, and he would like a radar monitoring feature to be installed.
- Department of Public Utilities regarding stakeholder obligations before, during and after storms.
- Xfinity regarding channel additions.
- John York regarding concern about the televised recording of meetings.
- Parker Freedman resigning from both the Finance Committee and Capital Outlay Committee.
- Minutes from the Upper Cape Tech School Committee meeting held on October 14th and November 18th.
- UMass Climate Resilience study dated November 4th.
- Email from James Potter that was not included in the previous correspondence and it was discussed at the last Board of Selectmen meeting. It was regarding his impression of the lack of transparency in the former Acting TA's resignation.

Mr. Cannon apologized for the late submissions of correspondence. It was due to a delay with the transition between administration and some of the correspondence was in another office that they didn't know had not been previously shown to the Board.

11. Committee Reports

George Slade said the review of the audit of the first three police academy classes was completed. They decided to recommend that the Barnstable County Police Academy Program continue.

Mr. Slade also said the second of two of the Complete Streets events was held conducted by the Cape Cod Commission's staff to discuss the results and the compilation of the first presentation held earlier in 2021 and public comment was sought, and the public comment period ended last Friday.

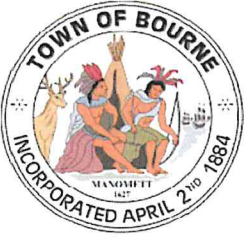
12. Adjourn

Voted: George Slade moved, and Mary Jane Mastrangelo seconded to adjourn.

Roll Call Vote –George Slade – yes, and Mary Jane Mastrangelo – yes and Chair Meier – yes. 3-0-0.

Respectfully Submitted,

Kim Johnson, Recording Secretary



Board of Selectmen Meeting Notice AGENDA



Date
January 4, 2022

Time
7:00 PM

Location
Zoom Remote
Public Access – See Below

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7:00 PM Call Public Session to Order in Open Session

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2. Salute to the Flag
3. Vision: Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.
4. Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.
5. Public Comment on Non-Agenda Items
 - a. Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.
6. Minutes: 10/8/21 (as amended) and 11/29/21

RECEIVED
2021 DEC 28 PM 2:28
TOWN CLERK BOURNE

7. Selectmen's Business

- a. Discussion and possible vote to allow Girl Scout Maggie Shea to install a "little free library" at the Monument Beach playground.
- b. Charter Review Committee Presentation by Steve Mealy, Chairperson and the Charter Review Committee.
- c. Climate Resilience Investment System and Implementation Plan presentation by Dan Nees representing the Environmental Protection Agency's (EPA) Southeast New England Program (SNEP) Southeast New England Program.
- d. Environmental Partners presentation on the 5 Corners and Barlows Landing Road intersections.
- e. Discussion and possible vote to dissolve the existing South Side Fire Station Feasibility and Design Building Committee.
- f. Discussion and possible vote to approve the South Side Fire Station Feasibility and Design Building Committee charge and membership.
- g. Discussion and possible vote to allow an extension of time to the Barnstable County Commissioner to evaluate our offer to purchase the Barnstable County Land off County Road (approximately 65 acres) for the sum of \$500,000.
- h. Discussion and possible vote to sponsor revisions to existing and proposed Town Bylaw changes:
 - i. Revised Bylaw 3.1.28 (Temporary Repairs of Private Ways)
 - ii. Revised Bylaw 3.1.37 (Layout and Acceptance of Private Ways)
 - iii. Private Road Repair Bylaw
- i. Discussion and possible vote to accept two donations to the Bourne Library both in the amount of \$250.

8. Appointments and Licenses

- a. Discussion and possible vote to accept the resignation of Harold Kalick from the Zoning Board of Appeals.
- b. Discussion and possible vote to appoint Pat Nemeth to the Zoning Board of Appeals.
- c. Annual Common Victualer, Public Livery, Auto Dealers Class II License Renewals.
- d. **7:15 PM Pole Hearing** - 5 Squeteague Harbor Rd to install one underground cable to provide electrical service.

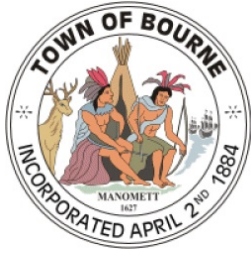
9. Town Administrator

- a. Community Center plan of action to address building concerns
- b. Lanyards and ID badges for Select Board Members

10. Correspondence

11. Committee Reports

12. Adjourn



Town of Bourne 2020 Charter Review Committee



December 01, 2021

Bourne Select Board

Dear Select Board Members:

Please find attached the following documents:

Volumes ONE and TWO consisting of two 3-inch binders containing all relevant materials associated with the completion of the 2020 Charter Review Committee of the Bourne Charter to support its recommendations as unanimously adopted at the November 15, 2021 Special Town Meeting.

On behalf of the Committee,

Stephen F. Mealy

Stephen Mealy, Chairperson

Renee Gratis, Vice Chairperson

Anne-Marie Siroonian, Administrative Clerk

Barbara Princiotta, Recording Clerk

Michael Carlowicz

Griffin Girard

Joseph Gordon

Book 1 of 2

2020 Bourne Charter Review Committee Background	Section 1, Book 1
2020 Committee Process Overview	
2020 Charter Committee Specific Charge	
Member Meeting Attendance	
Chronology of Committee Meeting Interviews	Section 2, Book 1
Chronology of Interviews	
Chronology of Charter Article Reviews	
Chairman's Interview Notes	Section 3, Book 1
Interview Questions	
Chairman's Meeting Notes, By Article	Section 4, Book 1
Committee Interim Reports	Section 5, Book 1
Interim to Select Board February 02, 2021	
Interim to Annual Town Meeting May 03, 2021	
Final Report to STM, November 15, 2021	Section 6, Book 1
Warrant Articles for STM, November 15, 2021	Section 7, Book 1
Summary of Changes for Legislature, DRAFT	Section 8, Book 1
Committee Recorded Changes to Charter, by Article	Section 9, Book 1
2021.03.03	
2021.03.31	
2021.04.28	
Survey, Data, Results	Section 10, Book 1
Email Received	Section 11, Book 1

Book 2 of 2

Legal Service Requests to Town Counsel	Section 1, Book 2
Town Counsel Response to Review Committee	Section 2, Book 2
Town Counsel Response, Meeting Notes	Section 3, Book 1
2020 Charter Review Committee Agendas	Section 4, Book 2
2020 Charter Review Committee Meeting Minutes	Section 5, Book 2
Town of Bourne Charter	Section 6, Book 2
As of 2016 Annual Town Meeting	
2015 Charter Review Committee Report to	Section 7, Book 2
Town Meeting, April 14, 2016	
2015 Charter Review Committee Warrant Article 29	
2016 Annual Town Meeting	
2015 Charter Review Committee Report	
Table of Contents, Bourne By-Laws as of	Section 8, Book 2
As Approved, May 2019 STM, ATM	
Town of Bourne Organizational Charts	Section 9, Book 2
Bourne Select Board Rules of Procedures	Section 10, Book 2
As of September 25, 2018	
FY-22 Budget Timeline, Financial Calendar	Section 11, Book 2
April, 2021	
Open Meeting Law, Executive Sessions	Section 12, Book 2

**Town of Bourne
Charter
With Recommendations for Changes**

DRAFT Submission for the Legislature

**Submitted By The
CHARTER REVIEW COMMITTEE**

**For the Special Town Meeting
November 15, 2021**

Chapter 117 AN ACT AMENDING THE CHARTER OF THE TOWN OF BOURNE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The following shall be the charter of the town of Bourne:

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- Section 1-5 Interpretation of Powers
- Section 1-6 Intergovernmental Relations

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PREAMBLE

We, the people of Bourne, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment, article LXXXIX of the amendments to the Constitution of the Commonwealth, do hereby adopt the following home rule charter for the town of Bourne.

Article 1

Existence and Authority.

Section 1-1: Incorporation.

The inhabitants of the town of Bourne within the territorial limits established by law shall continue to be a body corporate and politic under the name "Town of Bourne."

Section 1-2: Charter and Form of Government.

This instrument shall be known and may be cited as the Bourne home rule charter. This charter provides for an open town meeting, ~~board of selectmen~~ **select board**, town administrator form of government.

Section 1-3: Division of Powers.

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch which shall be headed by a ~~board of selectmen~~ **select board**. The legislative powers shall be exercised by an open town meeting.

Section 1-4: Powers of the Town; Intent of the Voters.

It is the intent and purpose of the voters of the town of Bourne, through the adoption of this charter, to secure for the town all of the powers possible under the Constitution and laws of the commonwealth, as fully and as completely as though each power were specifically and individually enumerated herein.

Section 1-5: Interpretation of Powers.

The powers of the town under this charter shall be construed and interpreted liberally in favor of the town and the specific mention of any particular power shall not limit in any way the general powers of the town as stated in section 1-4.

Section 1-6: Intergovernmental Relations.

The town may enter into agreements, by contract or otherwise, with any other unit of government to perform any of its powers or functions jointly or in cooperation with any other unit of government.

Article 2

Legislative Branch.

Section 2-1: Open Town Meeting.

The legislative powers of the town shall continue to be exercised by a town meeting open to all voters.

Section 2-2: Presiding Officer.

The town moderator, elected as provided in section 6-2, shall preside at all sessions of the town meeting, shall regulate the proceedings at town meeting, shall decide all questions of order and shall make public declarations of all votes.

Section 2-3: Time of Meetings.

The annual town meeting shall convene at such time as provided by by-law. Special town meetings shall be convened at such times as may be called by the ~~board of selectmen~~ **select board**, by petition of the voters as provided by law or at such other times as may be provided by by-law.

Section 2-4: Warrants.

A town meeting shall be called by a warrant issued by the ~~board of selectmen~~ **select board**, which shall state the date, time and location at which the meeting is to convene and, by separate articles, the subject matters to be acted upon. The publication of the warrant for a town meeting shall be in accordance with town by-laws governing such matters.

Section 2-5: Initiation of Warrant Articles.

(a) The ~~board of selectmen~~ **select board** shall receive at any time before the warrant closes and insert in the warrant all petitions addressed to it which request the submission of any matter to the town meeting and which are submitted to it by: (1) an elected town officer; (2) a town elected or appointed ~~multiple member body~~ **governmental body** acting by vote of a majority of its members; (3) 10 or more voters stating their residences with street numbers, if any, subject to the subsequent certification by the board of registrars that at least 10 per cent of the signers are voters; provided, however, that in the case of a special town meeting, the number of voters shall be 100 or 10 per cent of the total amount of voters in the town, whichever is lesser; and (4) the town administrator.

(b) The ~~board of selectmen~~ **select board** shall close the warrant not less than 50 days prior to the date for the annual town meeting and not less than ~~25~~ **30** days prior to the date for any special town meeting. By ~~majority vote~~ **4/5th vote of members present and voting**, the ~~board of selectmen~~ **select board** may waive the aforementioned requirements for the special town meeting in case of emergency **or when calling a special town meeting less than 30 days before the date of the special town meeting.**

(c) The voter handbook shall include the text of any annual or special town meeting warrant with the recommendations and counted votes of the finance committee, ~~board of selectmen~~ **select board** and any other appointed or elected board or committee proposing an article. In the voter handbook for the annual town meeting, the ~~selectmen~~ **select board members** shall include the recommended operating budget with revenue projections, their budget goals. Departmental goals for the upcoming fiscal year an organization ~~table~~ **chart**, and five-year financial, debt and capital projections. The voter handbook shall be available to the public at the town hall, the public library, **and the town's website** not less than 15 days before the annual town meeting **or any special town meeting. By majority vote the select board may waive the requirements for a special town meeting in case of an emergency or when calling a special town meeting less than 30 days before the date of the special town meeting.**

Section 2-6: Availability of Town Officials at Town Meetings.

Town ~~officers~~ **officials**, members of ~~boards and commissions~~ **governmental bodies** and department heads or their duly designated representatives shall attend town meetings to furnish information when proposals affecting their respective offices, ~~boards, commissions~~ **governmental bodies** or departments are included in the warrant.

Section 2-7: Clerk of the Meeting.

The town clerk shall serve as clerk of the town meeting, shall give notice of all adjourned sessions thereof, shall record its proceedings and perform such additional duties in connection therewith as may be provided by the General Laws, this charter, by-law or other town meeting vote.

Section 2-8: Rules of Procedure.

Except for provisions addressed in this charter, the town meeting may, by by-law, establish and, from time to time, amend, revise or repeal rules governing the conduct of town meetings.

Section 2-9: Finance Committee.

A finance committee shall be appointed as provided by by-law. Town employees, including school employees, shall not be eligible for appointment to, or service on, the finance committee. The finance committee shall choose from its members a chairperson and fill such other offices as it may create. **The chairperson of the finance committee may not chair any other governmental body.**

Article 3

Executive Branch, ~~Board of Selectmen~~ Select Board.

Section 3-1: Term of Office, Composition.

There shall be a ~~board of selectmen~~ **select board** to consist of ~~five~~ members to be elected for ~~3-~~ **three** year terms, so arranged that as nearly an equal number of terms as possible shall expire each year. The ~~board of selectmen~~ **select board** shall also ~~serve~~ **act** as sewer commissioners until such time as the town adopts legislation creating a board of sewer commissioners.

Section 3-2: Vacancy.

A vacancy in the office of ~~selectmen~~ **the select board** shall be filled in accordance with the General Laws.

Section 3-3: Policy Role.

The ~~board of selectmen~~ **select board** shall serve as the chief goal-setting and policy-making agency of the town, keeping in mind the goals, policies and action items of the **strategic plan and** local comprehensive plan, or LCP, and shall appoint a town administrator to carry out such policies. Annual goals as voted by the ~~board of selectmen~~ **select board** shall be filed with the town administrator not later than ~~July 1~~ **September 1st**, after the regular spring town election and also published in the annual town report.

An individual ~~selectman~~ **select board member** shall have no independent authority unless specifically authorized by a vote of the ~~board of selectmen~~ **select board**. ~~Selectmen~~ **Select board members** shall deal with administrative agencies and departments only through the town administrator. ~~Selectmen~~ **Select board members**, individually or as a board, shall not become involved in the day-to-day administration of a town department. The ~~board of selectmen~~ **select board** shall act only through the adoption of written policy goals, **strategic plan goals**, policies and action items which shall be implemented by the town administrator and written in a policy book that shall be available to the public for review.

Section 3-4: Powers and Duties.

Except as otherwise provided by this charter, all executive powers of the town shall be vested in the ~~board of selectmen~~ **select board** and the board shall have all of the powers and duties given to ~~boards of selectmen~~ **select boards** under the Constitution and General Laws of the commonwealth, **shall have the power and authority to adopt rules and regulations, after public hearing and publication, for the conducting of town business, the use of town real and personal property, and other matters within its jurisdiction and to set the penalties for violations thereof**, and such additional powers and duties as may be authorized by this charter, by by-law or by town meeting vote. The ~~board of selectmen~~ **select board** shall cause the laws and orders for the government of the town to be enforced and shall cause a record to be kept of all its official acts.

Section 3-5: Appointing Powers.

The ~~board of selectmen~~ **select board** shall appoint the town administrator, town counsel, registrars of voters, ~~and constables and members of all multi-member bodies~~ **The board shall also have the power to appoint other governmental bodies** for whom no other appointment provision is made in this charter or by by-law. Representatives of ~~boards or committees~~ **governmental bodies** specified as members of a ~~committee~~ **governmental body** shall be designated by their respective ~~boards or committees~~ **governmental body**. **Governmental bodies established by the select board shall possess and exercise all powers given to them under the Constitution and laws of the Commonwealth and shall possess and exercise such additional powers and duties as may be authorized by this charter, by-law or vote of town meeting. This charter names those governmental bodies which (1) are mandated or authorized by the laws of the Commonwealth and (2) exercise regulatory or other authority.** All ~~boards, committees and commissions~~ **governmental bodies** appointed by the ~~board of selectmen~~ **select board** shall be responsible to the ~~board of selectmen~~ **select board**.

Section 3-6: Prohibitions.

(a) No member of the ~~board of selectmen~~ **select board** shall serve on an elected or appointed ~~town board or committee~~ **governmental body** established by this charter, by by-law, or by town meeting, unless otherwise specified in the charter, by-law, by town meeting or by any other applicable law.

(b) No member of the ~~board of selectmen~~ **select board** shall hold any other elected town office or town employment during that member's term in office.

(c) No person who has served as a member of the ~~board of selectmen~~ **select board** shall be employed by the town for two years after that member's resignation or after the member's term of office has expired.

Section 3-7: Intergovernmental Relations.

Members of the ~~board of selectmen~~ **select board** shall represent the town on federal, state, regional and intermunicipal committees or may designate a town employee or other person to represent the town on those committees. **The select board shall maintain an active list of the governmental bodies and representation and make accessible to the public on the town's website.**

Section 3-8: Rules of Procedure.

The ~~board of selectmen~~ **select board** shall adopt, make public and abide by its own rules of procedure to govern the conduct of its meetings. An agenda shall be posted with each notice of public meeting. A period of public comment shall be scheduled before the beginning of agenda items. In addition, a public comment period shall be provided before any vote on a policy issue. The ~~board of selectmen~~ **select board** may deviate from its agenda only for sudden, generally unexpected occurrences or for circumstances demanding immediate action.

Article 4

Town Administrator.

Section 4-1: Appointment; Qualification; Term.

The ~~board of selectmen~~ **select board** shall appoint a town administrator search committee of not fewer than ~~5~~ **five** and not more than ~~9~~ **nine** residents of the community to assist the ~~board of selectmen~~ **select board** in the recruitment and selection of the town administrator. If the ~~board of selectmen~~ **select board** does not select one of the candidates presented by the search committee within 60 days, then the search committee shall resume its search and submit an additional list of candidates to the ~~board of selectmen~~ **select board** within 60 days after it resumes the search.

The ~~board of selectmen~~ **select board**, by an affirmative vote of four members, shall appoint the town administrator for a term defined by contract and fix the town administrator's compensation within the amount annually appropriated for that purpose. **The town administrator's contract will not automatically renew each contract period. The select board, by an affirmative vote of four of its members, shall renew the contract.** The town administrator shall be appointed solely on the basis of executive and administrative qualifications.

The town administrator shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training and previous experience in municipal administration. The town administrator shall have at least a bachelor's degree, but preferably a master's degree, in public administration, business management or a related field, at least ~~7~~ **seven** years experience in an upper level executive municipal position or any equivalent combination of education and experience. The town administrator need not be a resident of the town. ~~when appointed but shall establish primary residence in the town of Bourne within 1 year after the date of appointment; provided, however, that the board of selectmen may, by simple majority vote of the selectmen in office at the time of appointment, extend the time for establishing residence or otherwise allow the town administrator to reside elsewhere. Once a residency exemption is granted to a specific town administrator, it shall not be rescinded in future contracts with that town administrator.~~

The town administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, or engage in any other business or occupation during the administrator's term unless such action has been approved in writing in advance of such action by the ~~board of selectmen~~ **select board**. The town may from time to time, by by-law, establish such additional qualifications as it deems necessary and appropriate.

Section 4-2: Relationship of the Town Administrator and the ~~Board of Selectmen~~ Select Board.

The town administrator shall be the primary officer responsible for the implementation of the broad policy directives of the ~~board of selectmen~~ **select board** and for the attainment of yearly goals. The daily administration of the affairs of the town shall be the responsibility of the town administrator only. The town administrator may create advisory ad hoc committees to assist in the execution of the town administrator's duties.

The town administrator shall be evaluated by the ~~board of selectmen~~ **select board** annually for the town administrator's ability to effectuate policy, to accomplish goals established by the ~~board of selectmen~~

select board, to effectively administer town government and to properly supervise all municipal employees, except school employees.

Section 4-3: Vacancy in Office.

Any permanent vacancy in the office of town administrator shall be filled as soon as possible by the ~~board of selectmen~~ **select board**. Pending the appointment of a town administrator, the ~~board of selectmen~~ **select board** shall, within 30 days, appoint ~~some other~~ a qualified person to serve as the acting town administrator.

Section 4-4: Temporary Absence.

The town administrator shall, by letter filed with the town clerk and ~~board of selectmen~~ **select board**, designate as acting town administrator, a qualified officer or employee of the town, to perform the duties of the town administrator during a temporary absence or disability. If the absence or disability is greater than ten business days, any designation made by the town administrator shall be subject to the approval of the ~~board of selectmen~~ **select board**. If the town administrator fails to make a designation or if the person so designated is unable to serve, the ~~board of selectmen~~ **select board** shall designate ~~some other~~ a qualified employee of the town to perform the duties of the town administrator until the town administrator shall return. **The select board reserves the right to limit the powers and duties of the acting or interim town administrator by a majority vote of the select board.**

Section 4-5: Procedures for Removal of Town Administrator.

The ~~board of selectmen~~ **select board**, by an affirmative vote of ~~4~~ **four** of its members, may initiate the removal of the town administrator by adopting a preliminary resolution of removal. The resolution shall set forth in reasonable detail the reasons for such removal. The preliminary resolution may suspend the town administrator for a period not to exceed 30 days. The resolution shall be delivered to the town administrator forthwith upon its adoption. The administrator, within ~~5~~ **five** days of receipt of the resolution of removal, may request a public hearing by the ~~board of selectmen~~ **select board** on the reasons stated in the resolution of removal. The ~~board of selectmen~~ **select board** shall convene the requested hearing not less than ~~7~~ **seven** and not more than 30 days after receipt of the request by the town administrator. The town administrator may be represented by counsel of the town administrator's choosing, may call and question witnesses and may file a statement on the town administrator's own behalf.

If the town administrator does not request a public hearing, then the ~~board of selectmen~~ **select board** may adopt a final resolution of removal not earlier than 10 days after the delivery of the preliminary resolution of removal and not later than 20 days after the delivery of the preliminary resolution. If the town administrator requests a public hearing, the ~~board of selectmen~~ **select board** may adopt a final resolution of removal not earlier than ~~5~~ **five** days and not later than 10 days after the close of the public hearing. A final resolution of removal shall have an affirmative vote of ~~4~~ **four** members of the ~~board of selectmen~~ **select board**. Failure to adopt a final resolution of removal within the time limits set forth herein shall nullify the preliminary resolution of removal.

The action of the ~~board of selectmen~~ **select board** in suspending or removing the town administrator shall be final. The town administrator shall continue to receive the town administrator's salary until a final resolution of removal becomes effective.

Section 4-6: Powers and Duties.

The town administrator shall be the chief administrative officer of the town. The town administrator shall be responsible to the ~~board of selectmen~~ **select board** for the proper administration of all town affairs placed in the town administrator's charge by or under the charter. The town administrator shall have the following powers and perform the following duties:

(a) implement and carry out all policies and goals established by the ~~board of selectmen~~ **select board** **and inclusion of the strategic plan;**

- (b) appoint and, in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees, including members of the board of assessors and other employees for whom no other appointment provision is made in this charter; provided, however, that appointments made by the town administrator shall be effective immediately; provided, further, that an appointment of a department head or member of the board of assessors shall become effective on the fifteenth day after the day on which notice of the proposed appointment is filed with the ~~board of selectmen~~ **select board** unless a majority of the ~~board of selectmen~~ **select board** votes to reject the appointment within that period;
- (c) prepare and submit an annual operating budget and capital improvement ~~program~~ **plan** and **capital improvement** budget in accordance with sections 7-1 and 7-2 of this charter; and in accordance with the policies and goals established by the ~~board of selectmen~~ **select board**.
- (d) investigate or inquire into the affairs of a town department under the jurisdiction of the town administrator or, when authorized by the ~~board of selectmen~~ **select board**, investigate or inquire into the affairs of any other town department;
- (e) attend all regular and special meetings of the ~~board of selectmen~~ **select board**, unless unavailable for reasonable cause; provided, however, that the town administrator shall have a voice, but no vote, in all proceedings of the ~~board of selectmen~~ **select board**;
- (f) keep the ~~board of selectmen~~ **select board** fully informed of all issues and problems it needs to address.
- (g) inform the ~~board of selectmen~~ **select board** on departmental operations, fiscal matters and administrative actions and provide regular periodic reports to the ~~board of selectmen~~ **select board**;
- (h) inform the ~~board of selectmen~~ **select board** of the availability of public and private funding opportunities;
- (i) administer ~~personnel~~ **human resource** policies, practices, rules and regulations, compensation plans and related matters for all municipal employees, except school employees;
- (j) be responsible for the negotiation, administration and enforcement of collective bargaining agreements and other employment agreements, exclusive of the schools, on behalf of the board of ~~selectmen~~ **select board**;
- (k) have jurisdiction over all town property, ~~insuring~~ **ensuring** that a full inventory of all real and personal property is kept, excluding property under the jurisdiction of the school committee;
- (l) be responsible for and oversee the purchase of all supplies, materials, services and equipment and approve the award of all contracts for all town departments; provided, however, that the town administrator shall secure the approval of the ~~board of selectmen~~ **select board** for contracts of ~~3~~ **three** or more years;

(m) fix the compensation of all town employees and officers appointed by the town administrator within the limits of the town's compensation plan, collective bargaining agreements and other employment agreements; and inform the ~~board of selectmen~~ **select board** of all changes in compensation made within 30 days;

(n) ~~coordinate~~ **oversee** the activities of all appointed and elected ~~boards, committees and commissions~~ **governmental bodies**; provided, however, that the town administrator may require elected ~~boards~~ **governmental bodies** and individuals to meet with and provide information to the town administrator at reasonable times ~~for the purpose of coordination and financial planning~~;

(o) create new full-time, compensated positions, subject to the approval of the **select board** and funding by the town meeting; provided, however, that the town administrator may enter into employment contracts for these positions;

(p) supervise, direct and be responsible for the efficient administration of all officers appointed by the town administrator and their respective departments, and for all functions for which the town administrator is given responsibility, authority or control by this charter, by by-law, by town meeting vote or by vote of the ~~board of selectmen~~ **select board**;

(q) delegate, authorize or direct any subordinate or employee appointed by the town administrator to exercise any power, duty or responsibility which the office of the town administrator is authorized to exercise; provided, however, that all such acts shall be deemed to be the acts of the town administrator;

(r) administer and enforce either directly or through a person supervised by the town administrator, in accordance with this charter, all provisions of law applicable to the town, all by-laws and all regulations established by the ~~board of selectmen~~ **select board**; and

(s) attend all sessions of the town meeting to answer questions addressed to the town administrator which are related to warrant articles and matters of general supervision of the town administrator.

Article 5

Administrative Organization.

Section 5-1: ~~Table of Organization~~ Organizational Chart.

The town administrator shall annually submit a ~~table of organization~~ **organizational chart** establishing personnel requirements within all town departments to the ~~board of selectmen~~ **select board** by June 1. The ~~table of organization~~ **select board** shall become effective unless rejected by the ~~board of selectmen~~ **select board** within 30 days following its submission.

Section 5-2: Organization of Town Government.

Subject only to the express prohibitions in the Constitution, General Laws or this charter, the town administrator may prepare a plan to organize, reorganize, consolidate or abolish any town agency as the town administrator considers necessary or advisable. The town administrator may prescribe the functions of any town agency and, for such purpose, transfer the powers and duties and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriations of ~~1~~ **one** town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or assigned to any other town agency unless specifically authorized in this charter **or transferred to another agency in accordance with the provisions of 5-3**. The town administrator shall not be prohibited by this charter from including the department of public works or the department of integrated solid waste management in any plan to organize, reorganize, consolidate or abolish a town agency that the town administrator considers necessary or advisable in accordance with this section. Any proposed plan submitted under this section by the town administrator shall be approved by an affirmative vote of ~~3~~ **three** members of the ~~board of selectmen~~ **select board**.

Section 5-3: Public Hearing and Effective Date.

Before the ~~board of selectmen~~ **select board** approves a proposed plan under section 5-2, it shall hold ~~1~~ **one** or more public hearings on the proposal, giving notice by publication in a local newspaper at least ~~7~~ **seven** days in advance of the hearing. The notice shall describe the scope of the proposal and the date and place where the hearing will be held. The ~~selectmen~~ **select board members** shall have 14 days after the close of the public hearing to propose amendments, if any, and vote on the final plan. ~~The proposed organization shall become effective not sooner than 60 days following the selectmen's vote on the final plan.~~ Where the reorganization moves a function or funding from ~~1~~ **one** department to another, voters may petition for a special town meeting to address those changes. **The proposed organization shall become effective not sooner than 60 days following the select board members' vote on the final plan.**

Section 5-4: Department of Public Works.

(a) There shall be a department of public works which shall be responsible for those public works functions described in this article and as may be assigned from time to time by the ~~board of selectmen~~, town administrator or town meeting.

(b) The department of public works shall be under the direct control of a ~~superintendent~~ **director** of public works who shall be appointed by and who shall be directly responsible to the town administrator. The ~~superintendent~~ **director** of public works shall be a registered civil engineer or a person otherwise especially suited by education, training and previous experience to perform the duties of the office. The ~~superintendent~~ **director** of public works shall keep full and complete records of the doings of the ~~superintendent's~~ **director's** office and shall render a report of all operations to the town administrator ~~and board of selectmen~~ as may be required. The ~~superintendent~~ **director** shall keep the town administrator fully advised as to the needs of the town within the scope of the ~~superintendent's~~ **director's** duties.

(c) The department of public works shall include, but not be limited to, the following functions: highways and streets; storm drains; tree and park maintenance; public sewers; rubbish collection; and the maintenance and repair of town buildings, except school buildings unless requested by the school committee and approved by the ~~board of selectmen~~ **select board**.

~~(d) The board of selectmen, acting through the town administrator, shall establish priorities and policies to govern the operation of the department of public works.~~

Section 5-5: Department of Integrated Solid Waste Management.

(a) There shall be a department of integrated solid waste management responsible for those solid waste functions described in this article and as may be assigned from time to time by the ~~board of selectmen~~, town administrator or town meeting;

(b) The department of integrated solid waste management shall be under the direct control of a general manager of waste management who shall be appointed by and directly responsible to the town administrator.

(c) The general manager shall be especially qualified by education, training and previous experience to perform the duties of the office. The general manager shall keep full and complete records of the doings of the office and report on all operations under its control to the town administrator ~~and board of selectmen~~ as may be required. The general manager shall keep the town administrator fully advised as to the needs of the town within the scope of its duties.

(d) The department of integrated solid waste management shall include the solid waste functions approved under the site assignment administered by the board of health and in accordance with the policies established by the ~~board of selectmen~~ **select board**. The department's functions shall also include the implementation of additional solid waste functions as approved by the **select board** and consistent with the site assignment.

~~(e) The board of selectmen, acting through the town administrator, shall establish priorities and policies to govern the operation of the department of integrated solid waste management.~~

Section 5-6: Department of Finance.

(a) There shall be a department of finance responsible for the fiscal and financial affairs of the town and for the coordination and overall supervision of all fiscal and financial activities of all town government agencies. The department of finance shall include the functions of accountant, treasurer, collector and assessors. The department of finance shall be responsible for, and shall include, the following functions:

- (1) coordination of all financial services and activities of town government;
- (2) maintenance of all accounting records and other financial statements for all town offices and agencies;
- (3) payment of all financial obligations on behalf of the town;
- (4) investment of town funds and management of debt;
- (5) receipt of all funds due to the town from any source;
- (6) maintenance of the system of property valuation under the direction of the board of assessors;
- (7) rendering of advice, assistance, guidance and recommendations to all other town offices and agencies in any financial or fiscal affairs;
- (8) monitoring throughout the fiscal year the expenditure of funds by town offices and agencies;
- (9) under the direction of the town administrator, supervise the purchase of all goods, services, materials and supplies by the town;
- (10) general supervision of related **financial** data processing functions, **and** activities and equipment of town offices and agencies; and
- (11) such additional functions as may from time to time be assigned by the town administrator.

(b) The director of finance shall be appointed as provided in subsection (b) of section 4-6. The director of finance shall be especially fitted by education, training and experience to perform the duties of the office. The director of finance may serve as town accountant, town treasurer, town collector or principal assessor, but the finance director shall not serve as town accountant and town treasurer or as town accountant and town collector simultaneously. At the discretion of the town administrator, the director of finance may serve as the head of any division within the department. The town administrator may also designate a person to serve as head of more than ~~1~~ **one** division within the department. The director of finance shall be responsible to the town administrator for the effective operation of the department of finance and all fiscal and financial activities of town government. The director shall coordinate and provide overall supervision for all activities of the department and, in consultation with the town administrator, may direct and assign all personnel serving in that department. The director of finance shall be responsible to the town administrator and shall have the following specific powers and duties, subject to the direction of the town administrator:

- (1) coordinating the financial functions of all departments and agencies and supervising the following functions: accounting; treasury; tax collections; assessing ~~related data processing~~; and budgeting and procurement and ensuring that each function is operating efficiently and in accordance with applicable laws, by-laws, codes and accepted practices;
- (2) planning, organizing and providing administrative direction for all financial functions;
- (3) working with the town administrator to develop strategic financial plans and policies;
- (4) compiling and submitting an annual operating budget and an annual capital improvement plan to the town administrator; provided, however, that the director shall receive all requests made for the expenditure of town funds from each town office and agency and shall assemble all such requests into a form deemed to be best suited to show a complete financial plan for all town funds and activities for the ensuing fiscal year; and provided, further, that the proposed budget shall show in detail all estimated income from the proposed property tax levy and from every other source by category; and
- (5) general oversight, throughout the year, of the expenditure of all town funds pursuant to such budgets and expenditures as authorized by town meeting.

(c) There shall be a board of assessors, consisting of ~~3~~ **three** members to be appointed by the town administrator for overlapping ~~3-three~~ year terms. The board of assessors shall have all of the duties and responsibilities assigned to boards of assessors by the General Laws.

(d) There shall be a town accountant appointed as provided for in subsection (b) of section 4-6. The town accountant shall be qualified in accordance with the General Laws and shall have a bachelor's degree in accounting and at least ~~3~~ **three** years of prior full-time accounting experience. The town accountant shall have all of the powers and duties conferred upon town accountants by the General Laws. The town accountant shall be responsible to the finance director and, in turn, to the town administrator for the proper performance of the town accountant's duties.

(e) There shall be a town treasurer appointed as provided for in subsection (b) of section 4-6. The treasurer shall be especially fitted by education, training and experience to perform the duties of the office. The treasurer shall have all of the powers and duties conferred and imposed upon town treasurers by the General Laws, this charter and town by-laws. The town treasurer shall be responsible to the finance director and, in turn, to the town administrator for the proper performance of the town treasurer's duties.

(f) There shall be a town collector appointed as provided for in subsection (b) of section 4-6. The town collector shall be especially fitted by education, training and experience to perform the duties of the office. The town collector shall have all of the powers and duties conferred upon town collectors and tax collectors by the General Laws, this charter and town by-laws. The town collector shall be responsible to the finance director and, in turn, to the town administrator for the proper performance of the town collector's duties.

Section 5-7: Police Department.

There shall be a police department which shall be under the control and supervision of a chief of police. The chief of police shall be appointed pursuant to clause (b) of section 4-6. The town administrator shall be the appointing authority for all police officers under control of the chief of police. The chief of police may from time to time make suitable regulations governing the police department, and the officers thereof, subject to approval of the town administrator; provided, however, that such regulations shall become effective without that approval if the town administrator fails to take action thereon within thirty days after the regulations have been submitted to the town administrator by the chief of police. The chief of police shall be in immediate control of all town property used by the police department and shall be in charge of the police officers. The chief of police shall assign to the police officers their respective duties and the police officers shall obey all orders of the chief of police.

Section 5-8: Fire Department.

There shall be a fire department which shall be under the control and supervision of a chief of the fire department. The chief of the fire department shall be appointed pursuant to clause (b) of section 4-6. The chief of the fire department shall have charge of extinguishing fires in the town and the protection of life and property in case of fire. The chief of the fire department shall purchase and keep in repair all property and apparatus used for and by the fire department, with the approval of the town administrator. The chief of the fire department shall have and exercise all the powers and discharge all the duties conferred or imposed by law upon fire chiefs in towns except as herein provided. The chief of the fire department shall appoint such deputy chiefs and such officers and firefighters as the chief deems necessary and may remove the same at any time for cause and after a hearing. The chief of the fire department shall have full and absolute authority in the administration of the fire department, shall make all rules and regulations for its operation, shall report to the town administrator from time to time as the administrator may require and shall annually report to the town the condition of the department, including any recommendations thereon. In the expenditure of money, the chief of the fire department shall be subject to such further limitations as the town may from time to time prescribe.

Article 6

Other Elected ~~Town Boards and Officers~~ Governmental Bodies and Officials.

Section 6-1: Other Elected ~~Town Boards and Officers~~ Governmental Bodies and Officials.

(a) Following the adoption of this charter, the only ~~officers~~ **officials** to be elected shall be the town moderator, town clerk and a constable.

(b) ~~Town boards~~ **Governmental bodies** to be elected in addition to the ~~board of selectmen~~ **select board** shall be:

- (1) school committee;
- (2) board of health;
- (3) planning board;
- (4) housing authority;

- (5) recreation authority;
- (6) trustees of Jonathan Bourne **Public** Library;
- (7) trustees of soldier's memorials;
- (8) upper cape cod regional vocational technical school committee; and
- (9) such town members of regional districts, ~~multi-member bodies~~ **governmental bodies** and authorities as are now or may be established as elective offices by the General Laws, a vote of town meeting or an intergovernmental agreement.

Section 6-2: Moderator.

There shall be a town moderator who shall be elected at the annual town election for a ~~1~~ **one** year term.

The town moderator, as provided in section 2-2, shall be the presiding ~~officer~~**official** at town meetings. The town moderator shall have all of the powers and duties given to town moderators under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

The town moderator shall perform such other duties as may from time to time be assigned to the office of town moderator by by-law or by other town meeting vote.

Section 6-3: Town Clerk.

There shall be a town clerk who shall be elected at the annual town election for a ~~3~~**three** year term.

The town clerk shall keep the official records of the town, record vital statistics, issue licenses and shall be the clerk of the board of registrars of voters. The town clerk shall have all of the powers and duties of town clerks as provided by the General Laws, by this charter, by by-law or by other town meeting vote.

Section 6-4: Constable.

There shall be a constable elected for a ~~3~~**three** year term.

The constable shall have all of the powers and duties given to constables under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

Section 6-5: School Committee.

There shall be a school committee to consist of ~~7~~ **seven** members who shall be elected for ~~3~~**three** year overlapping terms.

The school committee shall have general charge of all public schools in the town and shall have all of the powers and duties provided to school committees under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

Section 6-6: Board of Health.

There shall be a board of health to consist of ~~5~~ **five** members who shall serve for ~~3~~**three** year overlapping terms. The board of health shall be responsible for the formulation and enforcement of rules and regulations affecting the environment and the public health. It shall have all of the powers and duties given to boards of health under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

Section 6-7: Planning Board.

There shall be a planning board to consist of ~~9~~ **nine** members who shall be elected for ~~3~~**three**-year overlapping terms.

The planning board shall make studies and prepare plans concerning the development of the town. The planning board shall prepare the town local comprehensive plan and submit it to the town meeting. It shall hold public hearings and make recommendations to town meeting on all warrant articles seeking to amend the town zoning by-laws. The planning board shall have all of the powers and duties given to planning boards under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

Section 6-8: Housing Authority.

There shall be a housing authority to consist of ~~5~~ **five** members, ~~4~~ **four** of whom shall be elected and ~~1~~ **one** of whom shall be appointed by the secretary of housing and community development or as otherwise provided by law. Housing authority members shall serve for ~~5~~**five** year terms so arranged that as nearly an equal number of terms as possible shall expire each year.

The housing authority shall have all of the powers and duties given to housing authorities under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

Section 6-9: Recreation Authority.

In accordance with chapter 820 of the acts of 1970, there shall be a Bourne Recreation Authority to consist of ~~5~~ **five** members. One member shall be appointed by the governor and ~~4~~ **four** members shall be elected for ~~3~~**three** year terms. The Bourne Recreation Authority shall have all of the powers and duties specified in said chapter 820.

Section 6-10: Trustees of the Jonathan Bourne Public Library.

There shall be a library board to be known as the trustees of the Jonathan Bourne **public** library to consist of ~~6~~ **six** members who shall be elected for ~~3~~**three** year overlapping terms.

- a) The trustees shall have the custody and management of the library and all property of the town related thereto.
- b) **The selection of the library director consistent with the General Laws; and this charter.**
- c) **Provide an annual review of performance of the library director and submit to the town administrator.**
- d) **Review and advise the library director regarding preliminary budget prior to being submitted to the town administrator's budget report to the select board.**
- e) All money raised or appropriated by the town for its support and maintenance shall be expended by the trustees and all money or property that the town may receive for the library by gift or bequest shall be administered by the trustees in accordance with the gift or bequest.

- f) **The trustees will establish and act upon their policies and by-laws consistent with the General Laws, town by-laws and this charter.**
- g) The trustees of the Jonathan Bourne **public** library shall have all of the powers and duties given to boards of library trustees under the Constitution and General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

Section 6-11: Trustees of the Soldiers' Memorials.

In accordance with section 105 of chapter 41 of the General Laws, there shall be a trustees of soldiers' memorials to consist of ~~6~~ **six** trustees, ~~5~~ **five** of whom shall be elected for ~~3~~**-three** year terms so arranged that as nearly an equal number of terms as possible shall expire each year and ~~1~~ **one** of whom shall be the chairman of the ~~board of selectmen~~**select board**.

Section 6-12: Upper Cape Cod Regional Vocational Technical School Committee.

There shall be ~~2~~ **two** Bourne residents elected to the upper Cape Cod regional vocational technical school committee. Members shall serve for terms of ~~4~~ **four** years so arranged that the terms of the members shall overlap.

Article 7

Finance and Fiscal Procedures.

Section 7-1: Budget Process.

Prior to the annual town meeting and within a time fixed by by-law, the town administrator shall submit to the ~~board of selectmen~~ **select board** a proposed operating budget and a capital ~~program~~ **improvement plan** and capital **improvement** budget for all town departments, including the school department, for the ensuing fiscal year. **The school committee budget shall be submitted to the town administrator in sufficient time to enable the town administrator to consider the effect of the school department's requested appropriation on the total town budget and make recommendations on same.** The proposed budget shall be accompanied by a budget message and supporting documents. The budget message shall explain the budget both in fiscal terms and in terms of ~~work programs~~ **expected outcomes, delivery of services, and initiatives**. The proposed budget shall be balanced and shall show both proposed expenditures and anticipated revenue. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the town administrator deems desirable or as the ~~board of selectmen~~ **select board** requires. The proposed budget shall include a listing of the funds requested by town departments and agencies. The ~~board of selectmen~~ **select board** shall review the proposed budget and capital ~~program~~ **improvement plan** and make such changes as the board deems appropriate prior to transmitting the budget and capital **improvement** plan to the finance committee. ~~The school committee budget shall be submitted to the town administrator in sufficient time to enable the town administrator to consider the effect of the school department's requested appropriation on the total town budget and make recommendations on same.~~

Section 7-2: Capital Improvement ~~Program~~ Plan and Capital Improvement Budget.

The town administrator, in conjunction with any committee established for such purpose, shall annually submit a capital improvement ~~program~~ **plan** to the ~~board of selectmen~~ **select board** **ten days** prior to the date fixed by by-law and prior to the submission of the operating budget. The capital improvement plan shall include a clear summary of its contents, an itemization of all capital improvements, including those of the school department, proposed to be undertaken during the next ~~5~~ **five** fiscal years with supporting data, cost estimates, methods of financing and recommended time schedules ~~and the~~

~~estimated annual cost of operating and maintaining the facilities included.~~ **The first year's budget would be the capital budget and include the estimated annual cost of operating and maintaining the facilities included.**

Section 7-3: Long-Term Financial Forecast.

The town administrator shall prepare annually, **in a format the town administrator deems desirable or as the select board requires,** a ~~5-five~~ year financial forecast of town revenue, expenditures and general financial condition of the town which shall be submitted to the ~~Board of Selectmen~~ **select board** as part of the annual budget message. The forecast shall include, but not be limited to, the identification of factors which impact the financial condition of the town; revenue and expenditure trends; potential sources of new or expanded revenues and any long or short term actions which may be taken that will enhance the financial condition of the town. The forecast shall be submitted to the ~~board of selectmen~~ **select board** and the ~~board of selectmen~~ **select board** shall make it available to the public for inspection.

Section 7-4: Finance Committee Action.

The ~~board of selectmen~~ **select board** shall submit the operating budget and the capital improvement ~~program plan~~ **program plan** and capital **improvement** budget to the finance committee by a date fixed by by-law. The finance committee, upon receipt of the operating and capital improvement ~~program plan~~ **program plan** and capital **improvement** budget from the ~~board of selectmen~~ **select board**, shall consider in public meetings the detailed expenditures for each town department and agency and shall conduct ~~±~~ **one** or more public hearings on the proposed operating and capital **improvement** budgets, including the school budget. The finance committee shall issue its recommendations in a detailed written report, which shall include the fiscal and tax implications of the proposed budget, a statement outlining its support or opposition to the proposed budget or any sections thereof and its vote, by roll call, on all warrant articles.

The finance committee shall make copies of its report available to the voters in the town hall and the public library at least ~~21-20~~ days before the scheduled date of the town meeting. The report shall be prepared in sufficient time to be incorporated into the annual town meeting voter handbook.

The finance committee may request the town administrator to provide necessary information from any town agency and the town administrator shall promptly respond to such requests. The office of the town administrator shall provide staff support to the finance committee in issuing its recommendations on the operating budget and capital improvement ~~program budget~~ **program budget**. The budget to be acted upon by the town meeting shall be the budget approved by the ~~board of selectmen~~ **select board**.

Section 7-5: Approval of Warrants for Payment.

Warrants for payments of town funds, authorized and prepared by the town accountant, shall be submitted to the town administrator for approval. The approval of any such warrant by the town administrator shall be sufficient authority to authorize payment by the town treasurer.

Article 8

General Provisions.

Section 8-1: Charter Changes.

(a) This charter may be replaced, revised or amended in accordance with the procedures made available by article LXXXIX of the amendments to the Constitution of the Commonwealth and any legislation enacted to implement said article LXXXIX.

(b) At least once every ~~5~~ **five** years a special committee shall be appointed by the ~~board of selectmen~~ **select board** to review the charter and make a report to the town meeting concerning any proposed amendments or revisions which the committee deems necessary. The committee shall be appointed ~~immediately~~ following an annual town meeting and shall make its report at the next annual town meeting. **The select board may extend time to the charter review committee by majority vote to meet the duties and responsibilities of article LXXXIX enacted to implement said article LXXXIX.**

Section 8-2: Severability.

The provisions of this charter shall be severable. If any provision of the charter is held to be invalid the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held to be invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 8-3: Specific Provisions Prevail.

To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 8-4: References to General Laws.

All references to General Laws contained in the charter refer to the General Laws of the commonwealth.

Section 8-5: Elections.

The election of town ~~officers~~ **officials** and referendum questions shall be acted upon and determined by voters on official ballots, without party designation, on the date fixed in the by-laws of the town.

All elections conducted pursuant to this charter shall be conducted in accordance with the election laws of the commonwealth.

Section 8-6: Procedures for ~~Multiple Member Bodies~~ Governmental Bodies.

(a) All ~~multiple member bodies~~ **governmental bodies** of the town whether elected, appointed or otherwise constituted shall meet at such times and in places open to the public within the town as they may by their own rules prescribe. Special meetings of a ~~multiple member body~~ **governmental body** shall be held at the call of the respective chairman or by a majority of the members thereof. Public posting of all meetings shall be made in accordance with the open meeting laws. The meetings of a multiple member body shall be open to the public and the press, except as may otherwise be authorized by law.

(b) A majority of the members of a ~~multiple member body~~ **governmental bodies** shall constitute a quorum but a smaller number may adjourn from time to time unless otherwise provided by law.

(c) Each ~~multiple member body~~ **governmental body** shall provide for the keeping of the minutes of its proceedings. **The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. A "timely manner" is considered to be within the next three public body meetings or 30 days from the date of the meeting, whichever is later, unless the public body can show good cause for further delay.** The minutes shall be a public record and a copy of the minutes shall be filed with the office of the town clerk, **once approved by the governmental body as outlined above.**

(d) Meetings of the ~~board of selectmen~~ **select board**, the school committee, the board of health and the planning board shall, if possible, be televised, **recorded, livestreamed or broadcasted** on the local cable channel or ~~streamed~~ **recorded and posted** on the town's website. The town shall choose the most effective method but technical difficulties with equipment shall not cause a meeting to be postponed.

Section 8-7: Computation of Time.

In computing times under this charter, ~~if 7 days or less, only business days shall be counted. If computing more than 7 days, every day shall be counted~~ **"days" will be defined as calendar days unless otherwise specified.**

Section 8-8: Number and Gender.

~~Words importing the singular number may extend and be applied to several persons or things. Words importing the plural number may include the singular and words importing the masculine gender shall include the feminine gender.~~

Section 8-9: Definitions.

For the purposes of this charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Charter", this charter and any amendments to it made through any of the methods provided under Article LXXXIX of the amendments to the Constitution of the Commonwealth.

"Goal", the desired outcome of a policy, program or other action.

"Governmental Body", means any federal, state, local, municipal or other government; any governmental, regulatory or administrative agency, commission or other authority lawfully exercising or entitled to exercise any administrative, executive, judicial, legislative, police, regulatory or taxing authority or power; and any court or governmental tribunal.

"Gender Neutrality", any reference to gender in this charter shall be construed as meaning any person, people, individual or individuals.

"Library", the Jonathan Bourne **public** library and any branch thereof that may be established.

" Local Comprehensive Plan", is an important planning tool used to guide the growth and direction of the town while balancing a wide variety of needs, including economic growth, protection of environmental resources, quality of life and community character.

"Local newspaper", a newspaper of general circulation within the town.

"Majority vote", as to a town meeting, a majority of those present and voting; as to a multiple member body, the affirmative vote of a majority of all members present and voting shall be necessary to adopt any motion, order, appointment or approval or disapproval or to take any action not entirely procedural in nature, unless otherwise provided by law.

~~"Multiple member body", a board, commission or committee consisting of 2 or more persons, whether elected or appointed.~~

“Policy”, a statement of a preferred practice

“Strategic Plan”, the long-term vision, goals and objectives for the town of Bourne codified in a document accepted by the select board.

“Town”, the town of Bourne.

“Town agency”, a board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.

“Town meeting”, the town meeting of the town of Bourne established in article 2.

“Town ~~officer~~ **official**”, an elected or appointed official of the town who, in the performance of that person’s official duties, exercises some portion of the sovereign power of the town, whether great or small; provided, however, that a person may be a town official whether or not that person receives compensation for his services.

“Voter handbook”, the voter handbook established in subsection (c) of section 2-5 and referenced in section 7-4.

“Voters”, the registered voters of the town.

Section 8-10: Rules and Regulations.

A copy of any rules and regulations adopted by a town agency shall be filed in the office of the town clerk and made available for review by any person who requests such information.

Article 9

Recall Provisions.

Section 9-1: Application.

Any person who holds elective office in the town of Bourne may be recalled therefrom by the registered voters of the town in the manner provided herein.

Section 9-2: Recall Petition.

Any 250 or more qualified voters of the town may file with the town clerk an affidavit containing the name of the elected official sought to be recalled and a statement of the grounds for recall. Within 10 working days thereafter, the town clerk shall deliver to any ~~4~~ **one** or more of the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. The blanks shall be issued by the town clerk, with the town clerk’s signature and official seal attached thereto. The blanks shall be dated and addressed to the ~~board of selectmen~~ **select board** shall contain the name of the elected official sought to be recalled, the office from which recall is sought and the grounds for recall as stated in the affidavit and shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 45 days after its issuance. The petition, before being returned and filed with the town clerk, shall be signed by not less than 10 per cent of the qualified voters as of the most recent annual town election and to every signature shall be added the place of residence of the signer, including the street and number, if any. The town clerk shall, within ~~5~~ **five** working days following the date of such filing, submit the petition to the registrars of voters and the

registrars shall forthwith verify thereon the number of signatures which are names of registered voters as of the date of the most recent town election.

Section 9-3: Recall Election.

If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit it with the town clerk's certification to the ~~board of selectmen~~ **select board** without delay. ~~The board of selectmen~~ **select board** shall forthwith give written notice of receipt of the certificate to the official sought to be recalled. If the official does not resign within ~~5~~ **five** calendar days after receipt of the written notice, the ~~board of selectmen~~ **select board** shall order a recall election to be held on a date fixed by the board which shall be not less than 60 and not more than 90 days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is scheduled to be held within 120 days after the date of the certificate, the ~~board of selectmen~~ **select board** may, at its discretion, postpone the holding of the recall election to the date of the other town election. If a vacancy occurs in the office after a recall election has been ordered by the ~~board of selectmen~~ **select board**, the election shall proceed as provided in this section.

Section 9-4: Nomination of Candidates.

Any ~~officer~~ **official** whose recall is sought may be a candidate ~~to succeed himself~~ **for re-election to the same office**, and, unless ~~he~~ **the individual** requests otherwise in writing, the town clerk shall place that ~~officer's~~ **official's** name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the General Laws related to town elections unless otherwise provided in this article.

Section 9-5: Incumbent Status.

The incumbent shall continue to perform the duties of the office until the recall election. If the official is not recalled, the official shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in section 9-7. If the official is recalled, the official shall be deemed removed upon the qualification of the successor, who shall serve for the balance of the unexpired term of the official recalled. If the successor fails to qualify within ~~5~~ **five** working days after receiving notification of election, the incumbent shall thereupon be removed and the office vacant.

Section 9-6: Propositions on Ballot.

Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of ~~officer~~ **official**)

Against the recall of (name of ~~officer~~ **official**)

Adjacent to each proposition there shall be a place to vote for either of the propositions. After the propositions shall appear the word "Candidates", the directions to voters required by section 42 of chapter 54 of the General Laws and, beneath this, the names of the candidates nominated as hereinbefore provided. If the elected official who is the subject of the recall petition is a candidate, that person's name shall be the first listed and all others shall be listed alphabetically. If the majority of the votes cast upon the question of recall is in the affirmative, the official shall be deemed to be recalled and the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes cast upon the question of recall is in the negative, the ballots for recall need not be counted.

Section 9-7: Time Limitation.

No recall petition shall be accepted by the town for filing against an elected official within ~~6~~ **six** months after that official takes office and no recall petition shall be accepted against an elected official who was subjected to a recall petition and not removed thereby until at least ~~6~~ **six** months after that recall election.

Section 9-8: Limit on Recalled Official.

No person who has been recalled from office or who has resigned from office while recall proceedings were pending against that person shall be elected or appointed to a town office within ~~1~~ **one** year after such recall or resignation.

Article 10**Transitional Provisions.****Section 10-1: Continuation of Existing Laws.**

All General Laws, special laws, town by-laws, town meeting votes and rules and regulations of or pertaining to the town that are in force when this charter takes effect and not specifically repealed herein shall continue in full force and effect until amended or rescinded or until they expire by operation of law. Notwithstanding any general or special law to the contrary, if specific provisions of this charter conflict with any town by-laws, rules, regulations, orders, special acts and acceptances of General Laws, the charter provisions shall control.

Section 10-2: Continuation of Government.

Except as specifically provided in this charter, all town agencies shall continue in existence and all town employees and ~~officers~~ **officials** shall continue to perform their duties until successors to their respective positions are duly appointed or elected or their duties have been transferred.

Section 10-3: Continuation of Personnel.

Any person holding a town office or employment shall retain such office or employment and shall continue to perform the duties of that office or employment until provisions shall have been made in accordance with this charter for the performance of those duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit ~~his~~ **their** pay grade or time in service. Each such person shall be retained in a capacity as similar to ~~his~~ **their** former capacity as is practical.

Section 10-4: Transfer of Records and Property.

All records, property and equipment whatsoever of any agency or part thereof, the powers and duties of which are assigned in whole or in part to another agency, shall be transferred forthwith to such assigned agency.

~~Section 10-5: Effective Date.~~

Article 11
Charter Compliance Committee.

There shall be a charter compliance committee to consist of ~~7~~ **seven** members who shall be appointed by the town moderator for ~~3-three~~ year overlapping terms, so arranged that the term of not more than ~~3 three~~ members shall expire each year. No appointee shall be a town employee or a member of an existing ~~board or committee~~ **governmental body** governed by the charter.

The committee shall take action only after receiving a written complaint, filed by ~~1~~ **one** or more voters of the town, alleging a violation of this charter by reason of an act or a failure to act by the town administrator, the ~~board of selectmen~~ **select board**, the school committee, the finance committee or a member of such ~~board or committee~~ **governmental body**.

The complaint shall state the specific section of this charter that is the subject of the violation, the individual, or ~~committee~~ **governmental body** responsible for the violation and the act or failure to act resulting in the violation. The complaint shall be filed with the town clerk who shall immediately send, via certified mail, return receipt requested, a copy to each member of the committee.

Within ~~3 three~~ weeks after receipt of the complaint by the town clerk, the committee shall vote whether to dismiss the complaint without further action. If the committee so votes, the chairman shall give written notification to the town clerk. If the committee votes to not dismiss the complaint, the chairman shall set a time and date for a hearing and mail notice of the hearing to the town clerk, the complainants and the individual, ~~board or committee~~ **or governmental body** named in the complaint. The town clerk shall post and publish the notice in a newspaper of general circulation for at least ~~7~~ **seven** days before the hearing date. The hearing shall occur within 60 days after the date on which the complaint was received by the town clerk. At the hearing, the committee shall allow any person to address the committee on the merits of the complaint.

Within ~~3 three~~ weeks after the hearing, the committee shall vote on whether there has been a violation of this charter as alleged in the complaint and shall mail a notice of its decision to the complainant, to the individual, ~~board or committee~~ **or governmental body** named in the complaint and to the town clerk. The town clerk shall post a copy of the decision at the town hall and on the town's website.

If the committee determines that there has been a violation of this charter as alleged by the complaint, and if, following its vote, there continues to be a violation, the committee may contact town counsel who may file a complaint on behalf of the town with the superior court. Nothing in this article shall limit the right to seek enforcement of this charter as otherwise provided by law.

SECTION 2. This act shall take effect upon its passage.

Charter Review Committee Amendments Approved, October 20, 2021.

APPENDIX

- Article 1: Section 3 Division of Powers **Amended by Article 21, 2011 ATM**
- Article 2: Section 2-5 Initiation of Warrant Articles-subsection (a-3) **Amended by Article 22, 2011 ATM**
Section 2-5 Initiation of Warrant Articles-subsections (b) and (c) **Amended by Article 21, 2011 ATM**
Section 2-5 Initiation of Warrant Articles-subsections (b) and (c) **Amended by Article 29, 2016 ATM**
- Article 3: Section 3-1 Term of Office, Composition **Amended by Article 22, 2011 ATM**
Section 3-3 Policy Role **Amended by Ch. 85, Acts 2007**
Section 3-3 Policy Role **Amended by Article 22 2011 ATM**
Section 3-3 Policy Role **Amended by Article 29 2016 ATM**
Section 3-5 Appointing Powers **Amended by Article 29 2016 ATM**
Section 3-6 Prohibitions **Amended by Ch. 85, Acts 2007**
Section 3-6 Prohibitions **Amended by Article 22, 2011 ATM**
Section 3-6 Prohibitions-subsections (a) (b) and (c) **Amended by Article 29, 2016 ATM**
Section 3-8 Rules of Procedure **Amended by Ch. 85, Acts 2007**
Section 3-8 Rules of Procedure **Amended by Article 22, 2011 ATM**
- Article 4: Section 4-1 Appointment, Qualification, Term **Amended by Ch. 85, Acts 2007**
Section 4-1 Appointment; Qualification; Term **Amended by Article 21, 2011 ATM**
Section 4-1 Appointment; Qualification; Term **Amended by Article 22, 2011 ATM**
Section 4-1 Appointment; Qualification; Term **Amended by Article 29, 2016 ATM**
Section 4-2 Relationship of the Town Administrator and the Board of Selectmen **Amended by Ch. 85, Acts 2007**
Section 4-4 Temporary Absence **Amended by Ch. 85, Acts 2007**
Section 4-4 Temporary Absence **Amended by Article 21, 2011 ATM**
Section 4-4 Temporary Absence **Amended by Article 29, 2016 ATM**
Section 4-6 (b) Powers and Duties **Amended by Ch. 85, Acts 2007**
Section 4-6 Powers and Duties-subsections (b) **Amended by Article 21, 2011 ATM**
Section 4-6 (c) Stricken **Amended by Ch. 85, Acts 2007**
Section 4-6 Powers and Duties **Amended by Article 22, 2011 ATM**
Section 4-6 Powers and Duties-subsections (c) (f) and (m) **Amended by Article 29, 2016 ATM**
- Article 5: Section 5-1 Table of Organization **Amended by Article 29, 2016 ATM**
Section 5-2 Organization of Town Government **Amended by Ch. 85, Acts 2007**
Section 5-2 Organization of Town Government **Amended by Article 21, 2011 ATM**
Section 5-3 Public Hearing and Effective Date **Amended by Article 21, 2011 ATM**
Section 5-4 Department of Public Works-subsection (b) **Amended by Article 21, 2011 ATM**
Section 5-5 Department of Integrated Solid Waste Management-subsection (c) **Amended by Article 21, 2011 ATM**
Section 5-6 Department of Finance (a) 11 **Amended by Ch. 85, Acts 2007**
Section 5-6 Department of Finance (b) 3 **Amended by Ch. 85, Acts 2007**
Section 5-6 Department of Finance-subsections (b) through (f) **Amended by Article 21, 2011 ATM**

Section 5-7 Police Department **New Section Added by Article 29, 2016**
Section 5-7 Fire Department **New Section Added by Article 29, 2016**

Article 6: Section 6-4 Constable **Amended by Article 21, 2011 ATM**
Section 6-8 Housing Authority **Amended by Article 29, 2016 ATM**

Article 7: Section 7-2 Capital Improvement Program and Capital Budget **Amended by Article 21, 2011 ATM**
Section 7-3 Long Term Financial Forecast **Amended by Article 29, 2016**

Article 8: Section 8-1 Charter Changes-subsection (b) **Amended by Article 21, 2011 ATM**
Section 8-6 Procedures for Multiple Member Bodies **Amended by Article 22, 2011 ATM**
Section 8-6 Procedures for Multiple Member Bodies **Amended by Article 29, 2016 ATM**
Section 8-7 Computation of Time **Amended by Article 21, 2011 ATM**
Section 8-9 Definitions-subsection (g) **Amended by Article 21, 2011 ATM**
Section 8-9 Definitions Amended **by Article 29, 2016 ATM**

Article 9: Section 9-2 Recall Petition **Amended by Ch. 85, Acts 2007**
Section 9-2 Recall Petition **Amended by Article 21, 2011 ATM**
Section 9-3 Recall Election **Amended by Article 21, 2011 ATM**
Section 9-5 Incumbent Status **Amended by Article 21, 2011 ATM**
Section 9-8 Limit on Recalled Official **Amended by Article 21, 2011 ATM**

Article 10: Section 10-5 Effective Date **Amended by Article 21, 2011 ATM-**

Article 11: Charter Compliance Committee - New Article **Added by Ch. 85, Acts 2007**
Article 11: Charter Compliance Committee **Amended by Article 21, 2011 ATM**
Article 11: Charter Compliance Committee **Amended by Article 16, 2014 ATM**



Bourne, MA: Climate Resilience Investment System & Implementation Plan

Produced by the Southeast New
England Program (SNEP)
Network

December 2021

The SNEP Network is administered by:
New England Environmental Finance Center
University of Southern Maine, UMaine System
www.snepnetwork.org | TEL: 207-228-81-64



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Background. The following report was produced by [Throwe Environmental, LLC](#), on behalf of the Southeast New England Program (SNEP) Technical Assistance Network (“the SNEP Network”). The [SNEP Network](#) is comprised of over 15 different partner organizations from across the region. It offers a full complement of technical and financial services to communities in support of leadership development and peer-to-peer learning. The goal of SNEP is to help communities understand the stormwater management challenges they face in light of a changing climate and how to overcome implementation barriers through capacity building and innovative financing systems.

In March 2020, the SNEP Network released a “Call for Participants” to offer direct technical, financial, and training assistance to municipalities, tribes, and non-profits in the SNEP watershed. Assistance was offered through the SNEP Network’s existing capacity and members of its pre-approved consultant pool. Through a competitive process, the Town of Bourne, Massachusetts (“Bourne” or “the Town”) was one of the initial twelve applications approved to receive technical assistance. The SNEP Network’s project with Bourne officially launched in July 2020 and was implemented in two phases. Phase 1 was completed in January 2021. It provided an assessment of the Town’s resilience programs, focusing specifically on the impacts that climate change will have on stormwater, flooding, and drainage management. [The final Phase 1 project report](#) included a suite of recommendations focused on the necessary steps and actions for establishing and expanding a sustainable climate resilience planning-to-action strategy.

Phase 2, which began in Spring 2021 and was completed in October 2021, was designed to provide the Town of Bourne with a more thorough understanding of the actions and resources that will be necessary to achieve the Town’s resilience vision in the future. The SNEP Project Team and Town leaders worked collaboratively to prepare two products. The team first created the [Planning to Action: Climate Toolkit \(PACT\)](#) to provide a standardized approach and process for identifying assets, assessing climate risk, and prioritizing mitigation actions and projects. Using the Toolkit as a framework, the team then drafted a suite of next steps and recommendations to provide more detail regarding the resources and next steps needed to establish a comprehensive resilience financing system.

This report serves as a culmination of the SNEP Project Team’s engagement in the Town of Bourne. Part 1 of this report summarizes the capacity assessment and the corresponding recommendations prepared in Phase 1. It also describes the components of PACT. Part 2 provides the expanded recommendations produced in Phase 2, as well as next steps.

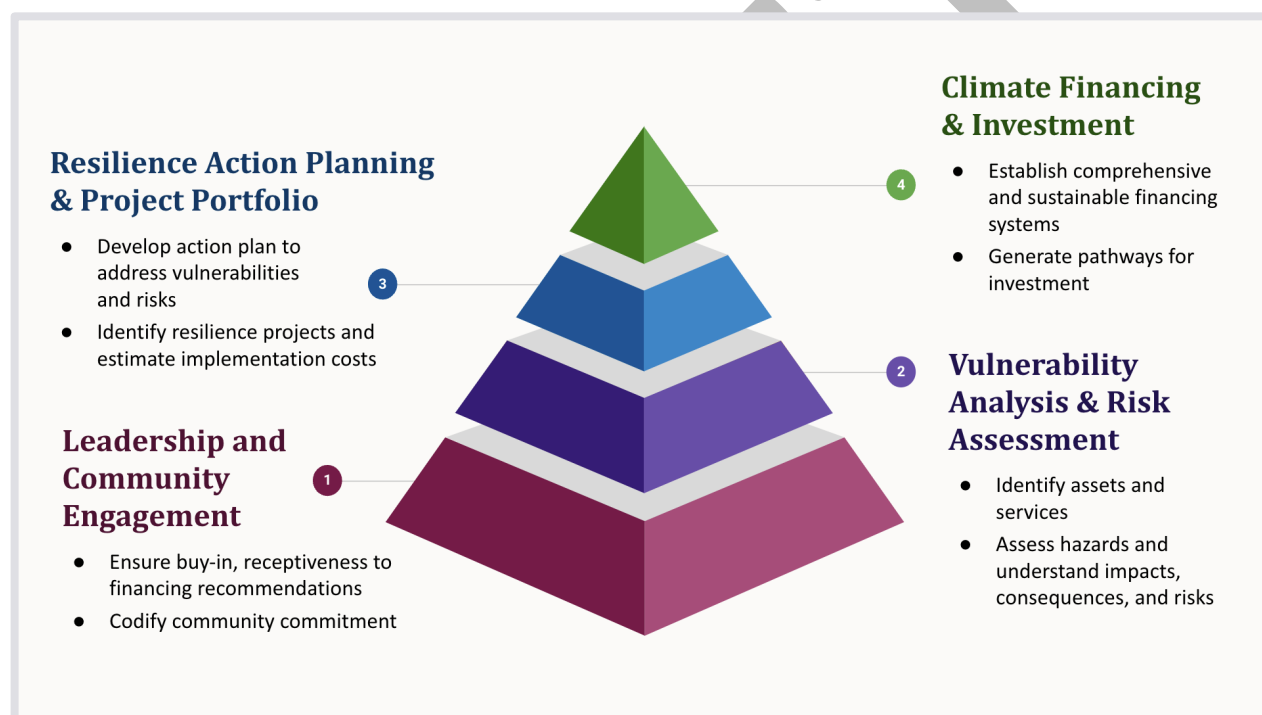
PART 1: BOURNE CLIMATE RESILIENCE ACTION STRATEGY.

The purpose of Phase 1 of the Climate Resilience Financing Assessment Project was to provide local leaders with the framework for a financing plan of action to address resilience infrastructure needs over time. The SNEP Project Team, led by the team at Throwe Environmental, worked in direct partnership with Bourne, MA leaders to address climate hazards and to identify opportunities to improve community resilience to anticipated climate impacts. The team conducted a detailed program assessment to identify the strengths and weaknesses of the Town’s existing resilience capacity and the conditions necessary for effectively financing critical infrastructure needs.

The SNEP Project Team used an assessment process based on the core components of the Coastal Resilience Action Strategy. It was designed to enable Bourne leaders to identify the necessary

conditions to effectively finance critical infrastructure needs and to evaluate the Town’s readiness to address those needs. In addition, the assessment was designed to be a dynamic system and process, thereby continually addressing how to enable conditions necessary to attract and incentive public and private investment. These enabling conditions are as varied and unique as the potential projects themselves. However, four key processes are common to virtually all resilience planning and financing systems. These are (1) leadership and community development; (2) climate risk and vulnerability assessments; (3) resilience planning and project portfolio development; and (4) funding, financing, and investment. These processes serve as the foundation for PACT, the Resilience Financing Framework (*see Fig. 1*), and the team’s assessment and recommendations to the Town of Bourne.

Figure 1: Resilience Financing Framework (Source: Throwe Environmental)



Leadership and Community Development. A clear vision for the future is a foundational component of the resilience financing process. Resilience planning should be community-led and comprehensive, while also serving as a strategy for future implementation and financing activities. To that end, strong community leadership is essential to attract and mobilize investments in resilience.

The first step in the resilience assessment process is to understand what resilience is, what the threats to the community are, and the appropriateness of plans for becoming more resilient in the future. This requires defining resilience in a way that is community-specific and reflects the anticipated risks, future goals, and expected outcomes of its citizens. This process focuses on three key issues: what is needed, what is valued, and what are the necessary systems.

Soak Up the Rain Webinar. The SNEP Project Team provided Bourne with a large-scale leadership engagement opportunity through the EPA Region 1 “Soak up the Rain” webinar program. This monthly webinar series highlights innovative approaches to addressing stormwater quality and quantity across New England, bringing these case studies to a national audience. In conjunction with EPA program staff, Throwe Environmental developed an August 2021 webinar, entitled “Addressing Stormwater Flooding through Resilience Action Strategies and Sustainable Financing,” that featured two SNEP Network technical assistance projects in Portsmouth, RI, and Bourne, MA. Former Bourne Town Administrator Anthony Schiavi and Town Engineering Technician Timothy Lydon were featured as community panelists representing Bourne. The webinar highlighted the innovative approach of the Bourne/SNEP Network project, as well as the strong record of community and leadership engagement in the Town. Once publicly available, the webinar recording will be linked [here](#).

Summary of Findings: Leadership and Community Development. The Town’s recently completed Hazard Mitigation Plan and Local Comprehensive Plan are important for advancing the resilience planning process. However, neither plan directly defines resilience in a uniform and community-specific way. The community has noted that the Town would welcome a clear definition for resilience that reflects its vision, and the Select Board has expressed openness to developing one internally.

Climate Risk and Vulnerability Analysis. Key to the resilience planning process is identifying and assessing a community’s future climate risks. A climate hazard becomes a climate risk when inhabitants and/or assets are exposed to and vulnerable to a particular hazard.

The Town can improve its resilience and its adaptive capacity to climate-related shocks and stresses by implementing climate adaptation actions. However, it is first necessary to develop a sound understanding of context-specific climate risks before developing such actions.

- **Climate change impacts.** In coastal communities, these changes will likely include increased coastal flooding; sea-level rise; intensified storms; more frequent drought and heat waves; changes in the distribution of disease vectors; and increased displacement and migration.¹
- **Other environmental crises.** The interactions between climate change and existing environmental needs will only complicate the resilience financing challenges in coastal communities. For example, climate change and stormwater management in Bourne will have tremendous impacts on each other, as well as the community-at-large, in the future. This means the two issues must be addressed collectively.²
- **Economic changes.** While threats to physical systems must be considered in the context of climate resilience, so too must the threats to economic systems. For example, the rise or collapse of key industries; changes in financial or regulatory systems; and changes in wealth distribution can have tremendous impacts on local economies. While these impacts will often occur outside the framework of climate change, the reality of a changing climate will almost certainly be an influencing factor.³

¹ Ibid

² Ibid

³ Ibid

- **Social risks.** Complex social challenges will also be compounded by climate change. Climate change will further disadvantage marginalized communities. To truly address resilience, communities must consider how they will ensure their most at-risk populations are protected and strengthened.

Summary of Findings: Climate Risk and Vulnerability Analysis. Bourne’s thorough understanding of its community hazards (erosion and shoreline change, flooding, extreme storms, high winds, severe winter weather, and sea-level rise) are well-documented in its 2018 Hazard Mitigation Plan update. Town officials have focused additional energy and resources on evaluating the impacts of flood risks and sea-level rise on Bourne’s important historic and cultural resources. More information is needed on specific threats that could worsen in the face of a changing climate and on the full spectrum of specific assets that are vulnerable to climate hazards. The SNEP Project Team determined that the Town would benefit from a standardized method to calculate the extent of an asset’s vulnerability, as well as its magnitude and probability of loss. PACT serves as a key resource that Bourne, and other communities, can utilize to conduct critical vulnerability and risk exercises.

Climate Resilience Planning and Project Portfolio. Before a financing strategy can be developed, it’s critical to understand anticipated infrastructure needs. While this planning process should be unique to each community, it should include the following key considerations:

- **Creating diversity and redundancy.** By nature, communities with more diversity in their economic base and decision-making and governance processes will be more resilient to disruptions to those systems. Unplanned redundancies can be inefficient and costly. However, planned redundancies ensure that the failure of any single component does not result in a system-wide crash.
- **Promoting equity and inclusiveness.** The planning process is typically associated with guiding land use and infrastructure development needs and issues. While this is important, especially in the context of financing climate change resilience, long-term resilience requires an equitable, inclusive planning process. Planners must be acutely aware of spreading anticipated risks and opportunities equally.
- **Proactively planning for innovation.** Resilient communities must develop new and innovative responses to risk and changing conditions. The capacity to innovate derives from many of the qualities just described. Diverse systems generate more opportunities for innovation than uniform ones. In social systems, innovation often comes from the margins. An inclusive society is better able to engage the agency and creativity of all its citizens.⁴

Summary of Findings: Climate Resilience Planning and Project Portfolio. The financing process and implementation system is predicated on a robust resilience plan; therefore, the planning process should be an immediate and ongoing priority. Developing an actionable, detailed, and comprehensive resilience plan should be a priority for Town leaders. Bourne is working to establish the necessary components, processes, and people to organize and prioritize action steps, especially those in the short-term. Current Town leadership aims to be proactive in its approach and seeks to emphasize efficiency in carrying out these action steps. While challenges

⁴ Bounce Forward report produced by the Kresge Foundation and Island Press. Citation: *Bounce Forward: Urban Resilience in an Era of Climate Change*. A Strategy Paper from Island Press and Kresge Foundation

related to prioritizing projects remain, the current Town leadership is in a good position to address these challenges. Assistance with prioritization methods will further enhance staff capacity.

Creating A Resilient Financing System. The planning and visioning processes that take place in the first three steps of the Resilience Financing Framework provide a foundation for developing and implementing a financing system that directs capital and investment in the most efficient, effective, and sustainable manner possible. The complex challenges ahead for financing large-scale infrastructure efforts are clear, especially in coastal communities. Therefore, communities need to develop innovative, scalable resilience financing institutions and systems that reflect their own needs. Financing systems must be designed to aid local leaders to make some very difficult and nuanced policy decisions. For example:

- **Balancing cost and benefit.** Resilience infrastructure projects require balancing short-term costs and long-term gains. It is very difficult to transform avoided costs into cash flow. This can put significant pressure on local revenues.
- **Achieving fairness in the financing system.** Fairness regarding infrastructure financing assumes that the cost burden reflects the benefits received from a project. This is often difficult to achieve when public revenues are creating significant private benefits in very specific places.
- **Ensuring equity in the financing and implementation process.** Achieving equity in the financing system, though important, has the potential to complicate resilience efforts. The ability to pay is a persistent issue regarding infrastructure financing, and it is often at odds with achieving fairness.
- **Expanding cooperation.** Effectively addressing climate change will require cooperation within and outside of local governments. Financing systems must function within a complex system that includes intra-community collaboration among agencies (planning, budgeting, and finance, operations, legal) as well as inter-community engagement and implementation efforts (local-state-federal).

Because of the long-term nature of the climate resilience issue, there may be the temptation to defer seemingly large-scale actions to a later date. However, the most productive reforms in local finance occur in small increments over the long-term.⁵ In other words, current leaders are not tasked with addressing the entirety of the local resilience challenge, but rather with establishing the systems and processes that can serve as the foundation for future leaders to build upon. Current leaders can begin taking action by addressing the following three areas that are fundamental to any resilience financing system: (1) institutional structure and capacity, (2) revenue streams and cash flow, and (3) financing mechanisms and cash flow management.

Institutional Structures and Capacity. Public institutions are the organizing mechanisms within financing systems, ensuring that rules, regulations, and codes of conduct are enforced. They establish and manage the procurement processes and provide structure to advance innovation and ingenuity within the public financing sector. In short, institutions will create the enabling conditions that are necessary for resilience financing processes to function effectively.

⁵ Bland, Robert L. A budgeting guide for local government: third edition. 2013. Page 5.

There are a variety of ways that institutions can be structured and capitalized; though their purpose in the financing process is relatively universal:

- **Mobilize public and private capital.** The primary role of financing institutions is to ensure sufficient investment in resilience and civic infrastructure. This requires identifying and leveraging a variety of funding and revenue sources.
- **Incentivize investment in infrastructure.** Financing institutions apply and utilize a variety of mechanisms (e.g., bonds, loans, grants). Institutions must provide long-term financing primarily in the form of tax-free revenue and conduit bonds.
- **Accelerate infrastructure development and construction.** Finally, a dedicated financing institution should be enabled to make existing design, permitting, contracting, and construction processes more efficient and effective. This requires serving as an organizational or focal point of multiple public agencies, departments, and processes. The financing institution in many ways becomes an important organizing element of the policy development and project investment process.

Revenue Streams and Cash Flow. Revenues are paramount to the financing process. Ultimately, the scale of revenues needed to support resilience activities will require a more thorough understanding of the anticipated impacts, assets at risk, and necessary mitigation activities.

Financing Mechanisms and Cash Flow Management. Resilience financing institutions also have the ability to utilize innovative financing and investment processes. There are opportunities associated with three innovative processes: (1) value capture; (2) alternative bonds and debt financing tools; and (3) performance-based financing.

- **Value capture.** Value capture is a type of public financing that recovers some or all the value that public infrastructure generates for private landowners. The public sector is often responsible for the large financial investments and maintenance of infrastructure required to support urban development. The financing of such projects often leans heavily on government bodies themselves.
- **Alternative bonds and debt financing tools.** Debt financing is the key type of long-term borrowing that localities use to raise money for building and constructing long-lived infrastructure assets. About 90% of state and local capital spending is financed by debt, primarily through municipal bond markets. Bond financing will likely remain a significant and popular financing resource. However, local leaders are beginning to adopt alternative financing mechanisms to address infrastructure needs, especially as they relate to mitigating the impacts of climate change. These alternative financing mechanisms provide local governments with cost-effective and flexible ways to pay for infrastructure systems.⁶
- **Paying for performance and outcomes.** Finally, performance-based financing focuses on achieving desired outcomes, rather than the means for getting there. If

⁶ *Infrastructure Financing: A Guide for Local Government Managers*. A Policy Issue White Paper Prepared on behalf of the ICMA Governmental Affairs and Policy Committee, January 2017. Can Chen, Florida International University, and John R. Bartle, University of Nebraska at Omaha. Page 15.

infrastructure investments can be evaluated based on desired environmental, economic, or social outcomes, investors would be able to target funds to projects that achieve those outcomes at the lowest cost. This provides incentives to private firms to find the most cost-effective and highest-performing technologies and practices.

These three alternative and innovative financing mechanisms are representative of broader financing innovations occurring at the local level; as the impacts of climate change and the need for resilient infrastructure grows over time, so too will the need to adapt financing systems and processes.

Summary of Findings: Creating a Resilience Financing System. While Bourne’s current financing position is favorable, the impacts of climate change require an expansion of Town capacities over time. Bourne will need to expand its institutional capacity to suit the scale of its short- and long-term capital and civic infrastructure needs.

It is a very encouraging sign to see that the Town is beginning to dedicate particular revenue streams for the sole and specific purpose of supporting investments in resilience infrastructure. Until recently, this was not the case; the Town has generally funded resilience projects out of its General Fund. That said, the NextGrid solar project has created an opportunity for the Town to establish a dedicated and sustainable flow of revenues supporting resilience projects and programs. This project is innovative, scalable, and a signal to the community of the Town’s long-term commitment to protecting its viability.

Bourne’s history of strong financial management and budgeting serves the Town well as it pursues innovative resilience financing options moving forward. The Town’s current rules, processes, and procedures have led the community to the point that it achieves budget surpluses in some years. The strong foundation described in this Phase 1 summary serves as the basis for the following recommendations from Phase 2.

PART 2: OPTIONS AND RECOMMENDATIONS FOR MOVING FORWARD

The Town of Bourne has a foundation in place for developing and advancing a strategic resilience vision and plan moving into the future. The Town’s financing processes have the capacity to address existing and short-term infrastructure, social, and environmental needs. However, the anticipated scale and complexity of addressing future climate change impacts will require the Town to make some significant changes and augmentations to its financing processes.

Recommendation 1: Establish a Director of Resilience position within Town government. An important first step in establishing a sustainable resilience program within the Town of Bourne is to establish a Resilience Director position. The position should report directly to the Town Administrator and should be structured to ensure the coordination and efficiency of resilience programs across the entire town government. The Resilience Director would work directly with other agency directors, thereby ensuring that infrastructure investments are meeting the collective goals and vision of the Town. The Director position will establish an organizational foundation for creating a more formal and expansive institutional structure in the future, should it be necessary.

Recommendation 2: Create a clear vision and plan of action. An important function of the Resilience Director will be to guide the community through the process of creating a clear resilience vision and plan of action for achieving that vision. This first plan of action will provide the

foundation for the Town's resilience programs and infrastructure implementation into the future. The resilience vision and plan will:

- Create a broad coalition of constituency groups and civic organizations dedicated to addressing climate change resilience and mitigation throughout the community.
- Identify the specific infrastructure projects that are critical for addressing climate change threats and achieving resilience goals and the estimated fiscal resources necessary for implementation.
- Create a framework for transforming the Town's economy to leverage the benefits and opportunities provided by investment in resilience infrastructure.

The effectiveness of the Town's resilience planning efforts will rely in large part on its success in mobilizing and incentivizing the citizens of Bourne to action. As a coastal community, Bourne is already directly experiencing the impacts of climate change, specifically regarding tidal flooding, sea-level rise, and major storm events. Town leaders and citizens are aware of many of the hazards, vulnerabilities, and risks that are likely to occur in the future. The Town's resilience vision must expand on this existing community awareness. This, in turn, requires clear leadership coupled with an actionable implementation plan.

The resilience plan should articulate the Town's response to long-term resilience by clearly stating the resilience goals and outcomes within each Town agency and program. Resilience represents one of those rare public priorities that will require virtually every agency and public employee to engage to at least some degree. Some agencies have a very direct connection to resilience—these include public safety and emergency preparedness; public works; planning; and environmental programs. Other agencies and programs have a less direct connection. However, the scale, complexity, and comprehensive nature of resilience planning and implementation will require an equally comprehensive response from the entire government system.

The Resilience Director will be catalytic to the entire resilience planning, implementation, and financing process. Specifically, the Director will create important connections between risk and vulnerability analysis, project portfolio development, and, perhaps most importantly, the financing and investment process. In short, establishing this position within the Bourne government will ensure program accountability and leadership, coordinated local government response to climate impacts, and effective community engagement and participation in the resilience planning and implementation process.

Recommendation 3: Implement a thorough risk and vulnerability assessment. The Town's long-term resilience plan must be predicated on the most up-to-date information and science associated with the anticipated climate hazards. The Municipal Vulnerability Preparedness (MVP) program provided Bourne with an effective baseline understanding of climate risks facing the community. A more thorough and granular assessment will be required to ensure effective and efficient long-term investments. The next step is to build on the results of the MVP by conducting a more refined assessment of anticipated climate impacts to the community. A robust climate risk and vulnerability assessment will provide Town leaders with a better understanding of the exposure, sensitivity, and resilience capacity of current systems to the impacts of climate change. This will in turn enable Town leaders to better understand these risks and identify the actions they can take now to be more prepared and resilient.

There is no standard method or framework for conducting a risk and vulnerability assessment. However, there are specific components of that assessment that are critical to the financing and implementation process. Specifically, the assessment should include four key elements:

1. An inventory and detailed summary of the climate hazards facing the community. This part of the assessment should build on the MVP process, thereby reassessing the hazards that are of the greatest concern to the community as well as the communities and neighborhoods that are likely to be adversely impacted.
2. An inventory of the assets and resources within the Town that are at risk, including publicly owned assets such as bridges, roads, public building, and stormwater conveyance systems; privately owned assets such as residential and commercial buildings, private roads, and power and energy delivery systems; and natural assets and resources, including wetlands, beaches, forests.
3. An evaluation of each asset's vulnerability and sensitivity to the climate hazards as well as the adaptive capacity of the asset to recover from the climate impacts.
4. An evaluation of the risk of adverse impacts to the assets, including the probability that an impact may occur and the potential magnitude of the impact should it occur.

The combination of these four elements will enable Bourne's community leaders to prioritize climate resilience action and investments.

Recommendation 4: Establish a detailed project portfolio. The risk and vulnerability assessment, coupled with the asset inventory, will provide the structure for a detailed mitigation strategy and project portfolio. The portfolio will enable Town leaders to codify a resilience plan of action. The action plan should be organized around three key elements: (1) project and programs typology, (2) the anticipated timing of impacts and associated project implementation, and (3) the expected cost of taking action.

1. Resilience project typology. Local resilience projects can and will take a myriad of forms. However, from a management perspective, they can be categorized based on three basic typologies.

1. **Baseline** projects and programs provide structure to the Town's resilience system, including staffing support (specifically the Resilience Director), necessary studies and assessments (such as the risk and vulnerability analysis), as well as catalytic project implementation.
2. **Enterprise** or outcome-based projects and programs are focused on many of the essential services that the Bourne government provides to its residents and businesses. Climate resilience will overlap a variety of enterprise programs and outcome-based needs in the community, including wastewater/watershed management, drinking water management and delivery, solid waste management and recycling, emergency services, and stormwater/drainage mitigation. Many of these outcome-based programs are codified through an established enterprise program/fund, while others such as stormwater management are addressed programmatically throughout various Town government agencies. All of them will be impacted by the Town's resilience implementation process in some way.
3. **Capital** and infrastructure projects are the primary focus of the resilience financing process. These projects can be embedded within baseline or enterprise processes, but they are often implemented as a result of specific community needs, including:

- **Protecting an essential asset.** The most targeted project approach is associated with protecting specific assets that are threatened by climate change (a particular community building, for example).
- **Protecting an asset class or system.** Many community resilience projects are designed to a suite of assets within a particular system. This can include protecting road and transportation networks, residential and commercial buildings, or essential public utilities. Projects designed to protect an asset class are often coupled with regulatory or permit changes (i.e., Building codes, floodplain management, etc.).
- **Protecting threatened geographies or communities.** Large-scale resilience projects are often designed to protect specific communities or neighborhoods from a variety of climate hazards and threats. These projects can include flood mitigation/abatement and transportation enhancements.
- **Incentivizing outcomes.** Finally, resilience projects may be designed to address a particular hazard or desired outcome. These projects are often associated with enterprise fund activities, but they can also include other community priorities such as habitat restoration and protection.

Figure 2: Bourne MVP Projects Across Resilience Project Typologies (Source: Throwe Environmental)

Baseline	Enterprise (like)	Infrastructure
<ul style="list-style-type: none"> Climate Risk and Vulnerability Assessment Integrated Water Resources Management Plan 	<ul style="list-style-type: none"> Flooding and Drainage Watershed Restoration Shoreline Erosion 	<ul style="list-style-type: none"> Academy Drive Circuit Avenue
<ul style="list-style-type: none"> Climate Resilience Action Plan Communications/Outreach Program Management 	<ul style="list-style-type: none"> Stormwater Management Wastewater Management Drinking Water Management 	<ul style="list-style-type: none"> Town Hall Buzzards Bay Fire Station
<ul style="list-style-type: none"> Grant Development and Management Financing Plan and Strategy 	<ul style="list-style-type: none"> Solid Waste and Recycling Emergency Management and Response 	<ul style="list-style-type: none"> Community Buildings Historic Structures Buzzards Bay District

2. Project timing. Climate impacts are expected to evolve and intensify over time. The community response to mitigate risks will also need to evolve. This will require that the resilience systems and processes – including financing processes – be dynamic. The project portfolio should address short-, mid- and long-term implementation needs and time horizons. Categorizing projects in this way will be critical for creating a sustainable revenue plan.

- **Short-term risks and infrastructure needs (0-3yrs).** Short-term risks represent immediate infrastructure and financing needs. The financing components necessary for addressing short-term needs include:

- Codified, stable funding streams, whether they be supported by general obligation bonds and general funds or through enterprise programs and dedicated fees; and,
 - A clear understanding of the project’s useful life, i.e., how long the project will sufficiently address changing resilience needs.
- **Mid-term risks and infrastructure needs (3-15yrs).** Mid-term risks and infrastructure needs are the systems that will replace or augment existing short-term infrastructure. Given the impacts of climate change, it is likely that the scale of mid-term needs will grow over time. Revenue streams in support of mid-term needs are not necessarily required immediately, but efforts should be made now to establish the processes necessary for generating revenue and investment in the future.
 - **Long-term risks and infrastructure needs (15yrs+).** Long-term risks and infrastructure needs will address the most significant climate impacts (i.e., major infrastructure projects to address sea-level rise, temperature and precipitation changes, and catastrophic storms). Given the anticipated scale of the need, community leaders need to begin establishing the necessary financing systems and processes in the short-term with a vision towards the long-term. This includes establishing the conditions necessary for investment, identifying anticipated revenue streams, and building capacity by establishing appropriate financing institutions.

3. Anticipated project costs. The third organizing element for the implementation plan and project portfolio is anticipated project costs. Project cost estimation is the process of forecasting the financial and other resources needed to complete a project within a defined scope. Cost estimation accounts for each element required for the project and calculates a total amount that determines a project’s budget. Cost estimates for projects within each project category will be essential for estimating necessary revenue needs and for determining when specific resilience projects can move forward. As climate resilience infrastructure projects move through the design and implementation process, it is essential to accurately account for all direct and indirect expenses, including labor, materials and equipment, facilities, and all associated risk. However, the initial resilience planning and implementation processes require a high-level or cursory evaluation of project costs, within each category over time. This high-level evaluation will enable community leaders to identify the appropriate institutional and revenue systems necessary for achieving long-term resilience.

Recommendation 5: Establish a Climate Resiliency Infrastructure Fund. In Phase 1, it was recommended that the Town of Bourne consider establishing a new program or institution to serve as the lead or center point of the resilience action planning and implementation process. After further conversations with Town leaders and evaluation of existing financing capacities, the recommendation is for the Town to establish an *internal* Climate Resiliency Infrastructure Fund (“the Resiliency Fund”). The primary purpose of the Resiliency Fund would be to expand resilience investments by creating efficiencies, economies of scale, and political synergies for addressing resilience infrastructure needs. The Resiliency Fund would provide Bourne with a variety of benefits, including:

- *Prioritizing resilience infrastructure projects within the financing system.* The targeted nature of the Resiliency Fund would enable it to focus fiscal resources on those projects that are most critical to the resilience implementation and planning process. The project prioritization process would not necessarily be implemented outside of existing processes but would provide a necessary focus to the financing process.
- *Accelerating and scaling the financing process by leveraging public and private revenue streams.* The Resiliency Fund would have the focus and capacity to target investments in projects identified in the resilience plan. If structured appropriately, the Resiliency Fund would be able to incentivize private investment in support of infrastructure and resilience projects.
- *Establishing more effective partnerships with the private sector.* Public-private partnerships are the foundation of local resilience design, implementation, maintenance, and financing. These partnerships will need to expand in scale, sophistication, and impact as climate change intensifies. The Resiliency Fund would have the capacity to develop and advance innovative relationships with a broad spectrum of private firms and actors.
- *Reducing stress on Town budgets.* The Resiliency Fund will not eliminate the need for public investment in resilience infrastructure. Local infrastructure will always require local government leadership and investment. However, the Resiliency Fund would potentially reduce pressure on local budgets by creating efficiencies, leveraging private investment, and reducing the cost of capital.
- *Stimulating and advancing innovation and economic growth.* In addition to streamlining and scaling financing processes, the Resiliency Fund can also be charged with incentivizing investment in those industries and businesses that will be integral to the Town's resilience efforts. This dual economic development/financing role will place the Resiliency Fund in a position to ensure that infrastructure investments serve multiple roles and provide multiple community benefits.
- *Creating more effective connections between climate change mitigation and adaptation activities and projects.* Establishing a Resiliency Fund would enable the Town to link climate change resilience and adaptation efforts with climate change and carbon mitigation efforts, which is important for several reasons. First, the Town of Bourne is being directly impacted by climate change. It has a unique need and responsibility to remain resilient to those impacts and reduce the pollution that is causing those impacts. Second, by linking adaptation and mitigation programs and strategies, the Town will create more potential revenue streams, more investment opportunities, and greater community/business engagement in the process. The Town is well-positioned to benefit directly from the mitigation-adaptation connection through the NextGrid solar project. The revenues generated from this new and innovative public-private partnership will create critical revenue flows while at the same time reducing the Town's carbon footprint. This creates a very effective revenue model for the Town's Resiliency Fund moving forward.

Resiliency Fund Revenues. The Resiliency Fund would support key functions and activities in support of the Town's resilience action plan. This Fund would provide a system for coordinating resilience programs and project investments. In some respects, the Resiliency Fund would function as an enterprise program, thereby coordinating and implementing climate mitigation and

adaptation programs within the Town government. In addition, it would target investments to those projects and programs that are directly associated with the Town’s resilience action plan. While enterprise programs usually rely on single revenue streams, primarily in the form of service or regulatory fees, the Resilience Fund will have the capacity and perhaps even the mission to identify, secure, and leverage multiple revenue sources. An important function of the Resilience Director, through the auspices of the Resiliency Fund, will be to develop a resilience infrastructure revenue plan that addresses the unique resource needs of the three project typologies: baseline, enterprise, and capital infrastructure.

Revenue sources supporting resilience programs and infrastructure will be by necessity, diverse; however, potential revenue sources will fall within the three categories mirroring the project typologies: operational or baseline revenues, enterprise or ongoing revenue streams, or project-specific revenues. There is any number of potential revenues sources in the form of fees, taxes, and grants that have the potential to provide either temporary or permanent support for the Resiliency Fund and its activities. Key issues to consider when assessing the potential efficacy of a revenue source include its connection to the resilience issue; the potential scale of the source; the potential longevity of the source; and the impacts—positive or negative—on the community (specifically how the revenue source impacts fairness and equity). Specific opportunities within each of the three revenue categories include the following

- **Operational-baseline revenues.** Operational funds are those funds that, in theory, support any institutional activity. In actuality, they support those activities that are often not directly included in the project financing costs. In other words, operational funding would support administration *and* program-related activities. In the case of the Resiliency Fund, operational funds would potentially support all expenses, direct and indirect. Potential revenue sources include general fund revenues, targeted revenues from taxes and/or special service fees (i.e., the solar project funding), grant funding, and enterprise program funds (exclusive to enterprise programs).
- **Enterprise revenues.** Enterprise funds are used to support activities for which a fee is charged to external users for goods or services. While the Resiliency Fund will not officially be an enterprise program, it will likely have important characteristics of an enterprise fund, including sustained revenue streams in the form of fees supporting activities directly associated with the assessment and collection of those fees. Additionally, enterprise and enterprise-like funds support all expenses associated with the enterprise—direct and indirect. Therefore, they are appropriate for supporting administrative, programmatic, and infrastructure capital costs.
- **Project-specific revenues.** Project-specific funds refer to those revenues that are assessed and leveraged specifically to support a particular project. Though they can be in the form of taxes and fees, grants, or other investment revenues, they are often in the form of fees or infrastructure revenues. As is the case with enterprise funds, project funds can support administrative costs and direct project costs. Potential project-specific revenue sources include: general funds; property taxes (specifically through Special Taxing Districts and/or Tax Incremental Financing Districts); private capital through public-private partnerships and concession agreements; and private and nonprofit philanthropic investment, including donations, grants, and program investments.

There are clear overlaps between the three primary revenue categories. For example, fees generated through enterprise funds can cover all three revenue categories, while project-specific funding can, and really must, cover associated administrative costs. However, the distinctions between these three categories will enable Town leaders to identify potential sources of revenues most effectively.

Project financing and cash flow management. The Resiliency Fund will have the capacity to facilitate financing transactions, directly or indirectly, in support of restoration projects and practices throughout the Bay watershed. The SNEP Project Team recommends that the Resiliency Fund be established as an internal program and/or agency within the Bourne government system. This has two advantages. First, the resources supporting the Resiliency Fund’s activities will be restricted to those activities. This provides system oversight and accountability. Second, the financing activities associated with the Town’s resilience action plan will be conducted within the existing systems, agencies, and structures. This will allow the Resiliency Fund to be established in a manner that leverages the strengths of that system and ensure that the resilience process is efficient and effective. The Resiliency Fund will likely focus on three types of leveraging tools and processes: bond financing; value capture; and public-private partnerships.

- **Bond financing.** The use of municipal or publicly issued bonds is ubiquitous regarding infrastructure financing. Borrowing is essential for large-scale infrastructure projects and the use of tax-free bonds provides local and state governments with a relatively inexpensive source capital with long-term payback time horizons. The capacity to issue traditional tax-free revenue bonds will be important for many of the large-scale structural practices and projects in the Town’s project portfolio.
- **Value capture.** As previously discussed, this type of public financing recovers some or all the value that public infrastructure generates for private landowners. “Capturing” the subsequent increase in value, governments can recuperate funds, which can ultimately be used to generate additional value for communities in the future. Specific types of value capture financing mechanisms include:
 - **Special assessment districts** are independent, special-purpose governmental units, other than school district governments, that exist as separate entities with substantial administrative and fiscal independence from general-purpose local governments. Special district governments provide specific services that are not being supplied by existing general-purpose governments. Most perform a single function, but in some instances, their enabling legislation allows them to provide several, usually related, types of services.
 - **Tax increment financing (TIF)** is a tool used by municipal governments to stimulate economic development in targeted geographical areas. TIFs are used to finance redevelopment projects or other investments using the anticipation of future tax revenue resulting from new development. When a TIF district is established, the “base” amount of property tax revenue is recorded using the status quo before improvements. To the extent such efforts are successful, property values rise, leading to an increase in actual property tax receipts above the base. While the base amount of property tax revenue (the level before redevelopment investments) continues to fund city services, the increase in tax revenue is used to pay bonds and reimburse investors and is often captured as city revenue and allocated toward other projects.

- **Joint development** projects involve integrated development of public infrastructure improvements, with projects physically or functionally related to commercial, residential or mixed-use development. Public and private investments are coordinated between agencies and developers to improve land owned by a public agency. Projects are designed to benefit both public and private entities and share costs among project partners.
- **Public-private partnerships.** A public-private partnership (P3) is a cooperative arrangement between two or more public and private sectors, typically of a long-term nature. In other words, it involves government(s) and business(es) that work together to complete a project and/or to provide services to the population. P3s have become an increasingly popular way to get major infrastructure projects built. Compared with traditional procurement solutions, P3s can also spread a project's cost over a more extended period and can thus free up public funds for investment in sectors in which private investment is impossible or otherwise inappropriate. In short, P3s can be very effective tools for delivering effective, cost-efficient projects and associated services. As governments seek to upgrade infrastructure and address the challenges of climate change, among other objectives, the need for private-sector involvement has grown. P3s will likely become important mechanisms for addressing climate risks in coastal communities like Bourne given their capacity to manage certain types of risk.

PART 3: NEXT STEPS

Since the completion of Phase 1, the Town of Bourne has continued to show leadership on climate resilience planning and financing issues. With the strong desire to continue building a more prepared and resilient community, Bourne has become a model for resilience on Cape Cod and across the East Coast. By establishing a financing system that is dedicated to addressing climate resilience, Bourne will be in an excellent position to draw in outside capital and make the necessary investments in its community's civic and capital infrastructure.

The NextGrid project and the decision by the Board of Selectmen to establish the Climate Resiliency Infrastructure Fund have created a very effective and innovative foundation for scaling a sustainable resilience financing system. We recommend the following next steps to build on the momentum that Bourne leaders have generated.

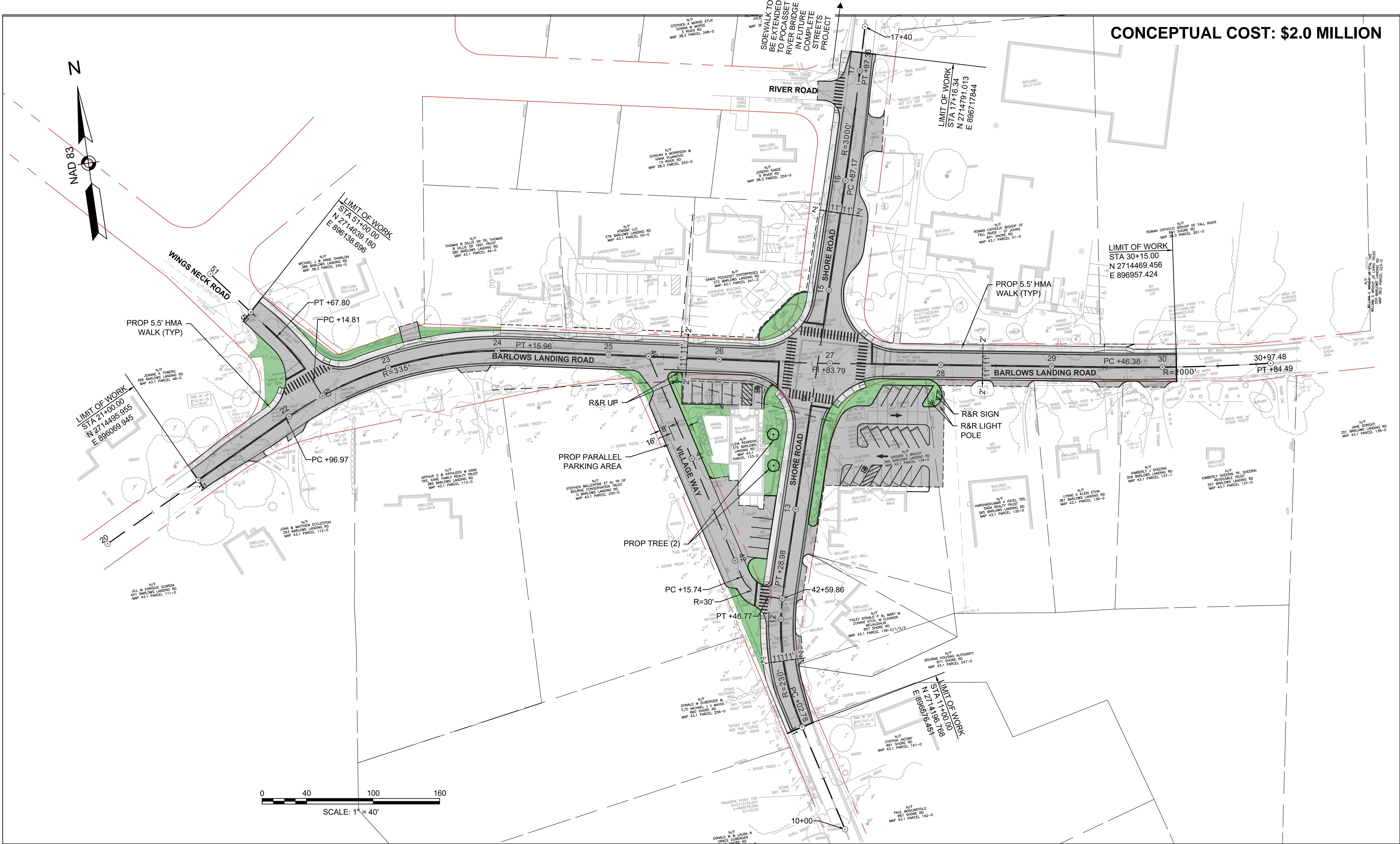
- Establish the Resilience Director position.
- Convene a community task force charged with producing a detailed resilience plan. The plan should address the specific projects necessary for ensuring long-term resilience. In addition, the process should engage community and regional leaders from across Cape Cod to ensure effective coordination and synergies.
- Commission a detailed risk and vulnerability analysis parallel to the resilience planning process.
- Draft a strategic plan for the Resilience Fund, including programmatic goals and functions, administrative structure, and necessary funding support. The strategic plan should include a detailed revenue "map" that addresses each of the project typologies.

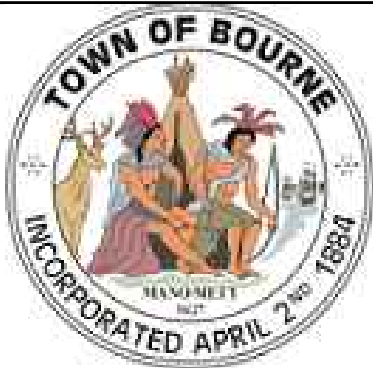
These four next steps, coupled with the five key recommendations above, will provide Bourne leaders with an effective road map for addressing long-term climate resilience. There are no easy solutions to the challenges facing the Town of Bourne and other coastal communities like it. However, the processes provided in this report will provide the Bourne community with an opportunity to stay resilient and vibrant regardless of the challenges ahead.

DRAFT




This report was produced by the dedicated team at [Throwe Environmental, LLC](#) in the company's role as a core partner within the SNEP Network. Throwe Environmental is committed to developing climate resilience, environmental finance, and policy and governance solutions for its public, private, and nonprofit clients. As a SNEP Network partner organization, Throwe Environmental focuses on financing, training, and leadership development. Throwe Environmental is based in Bristol, RI and helps communities nationwide address their climate challenges.





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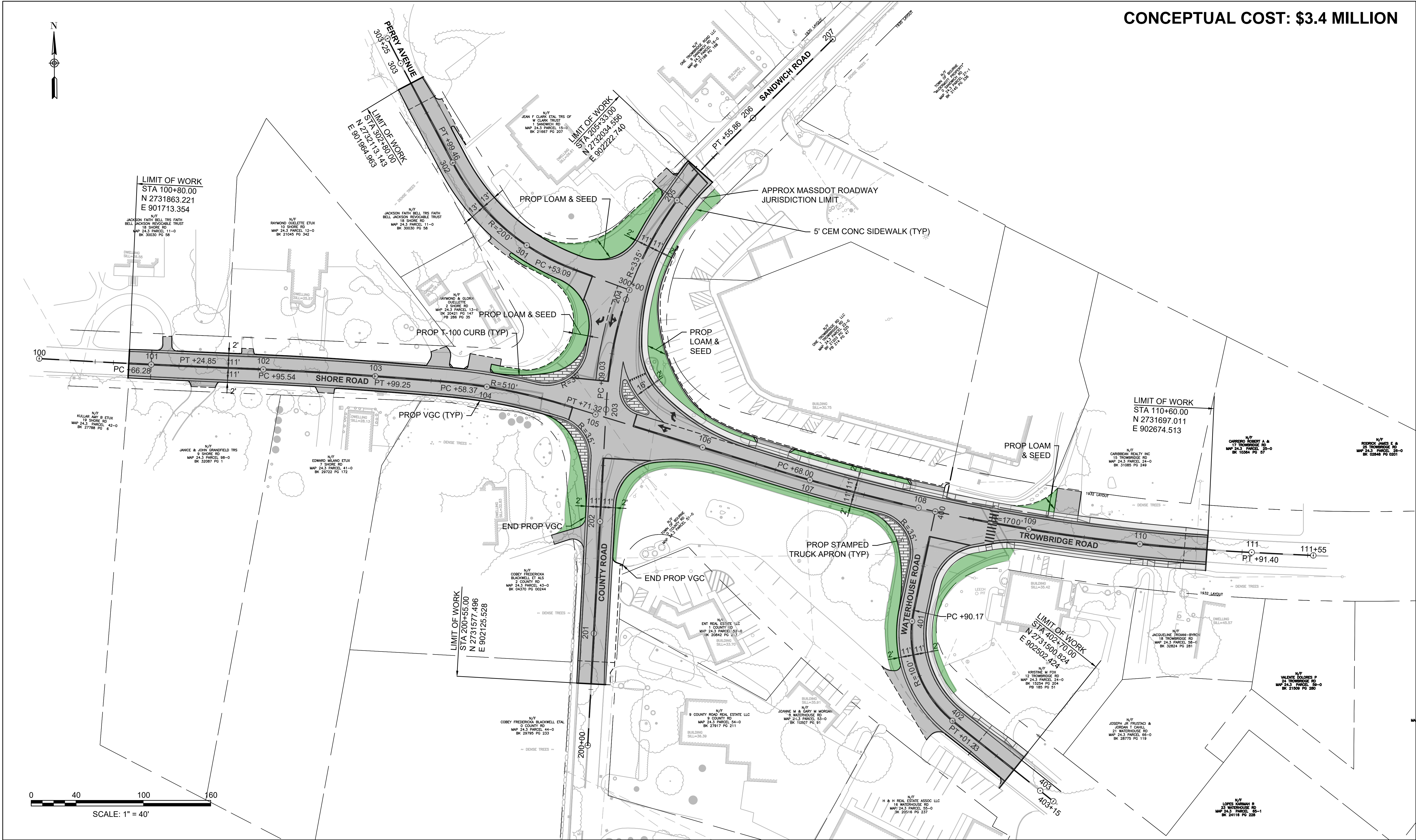
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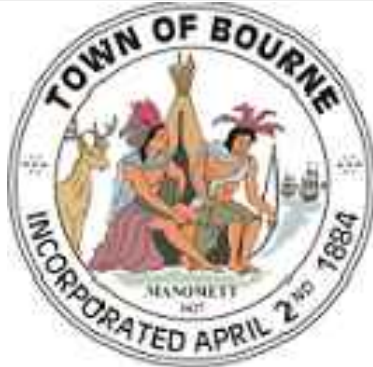
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CONCEPT PLAN


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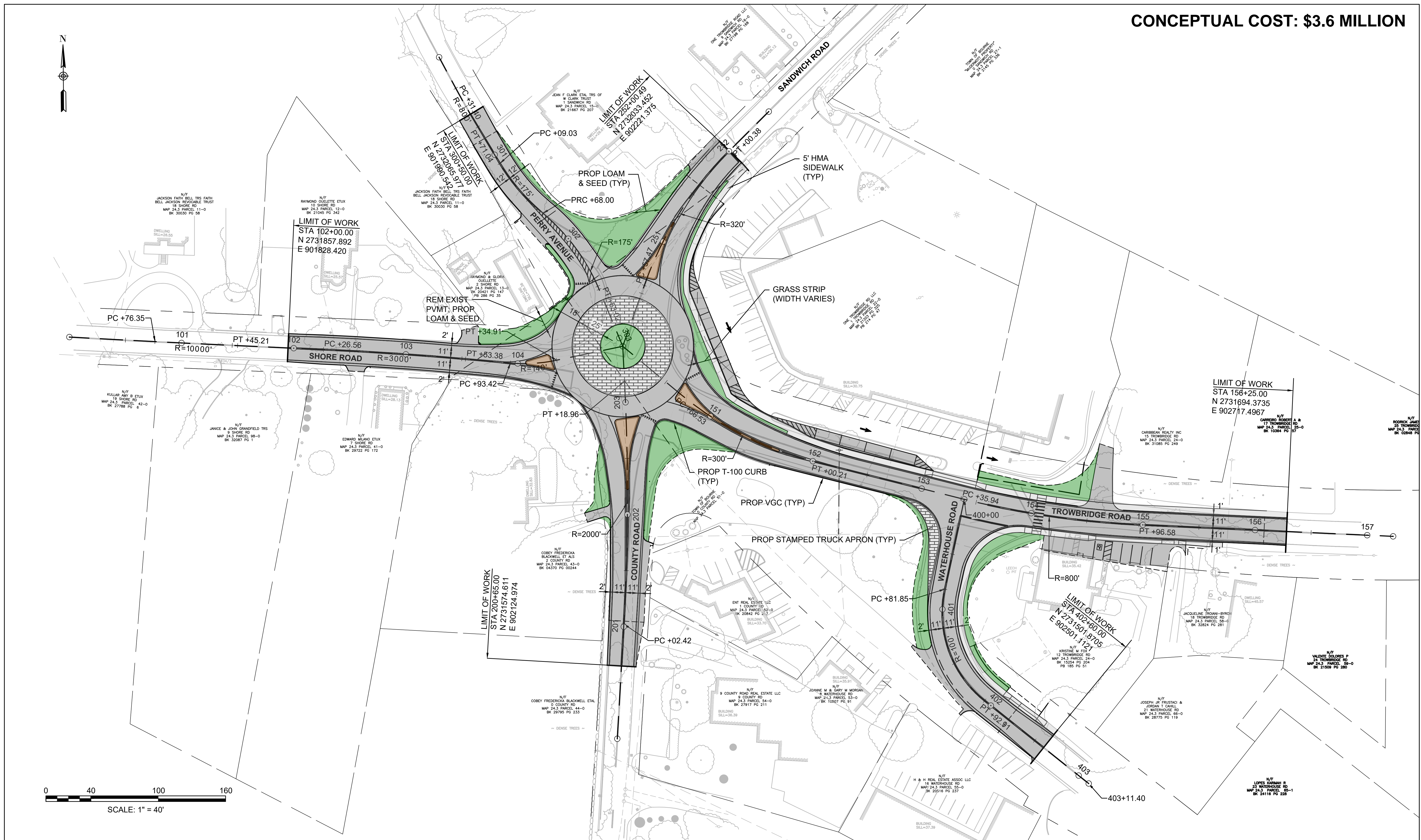
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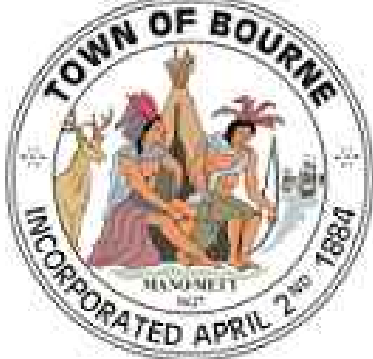
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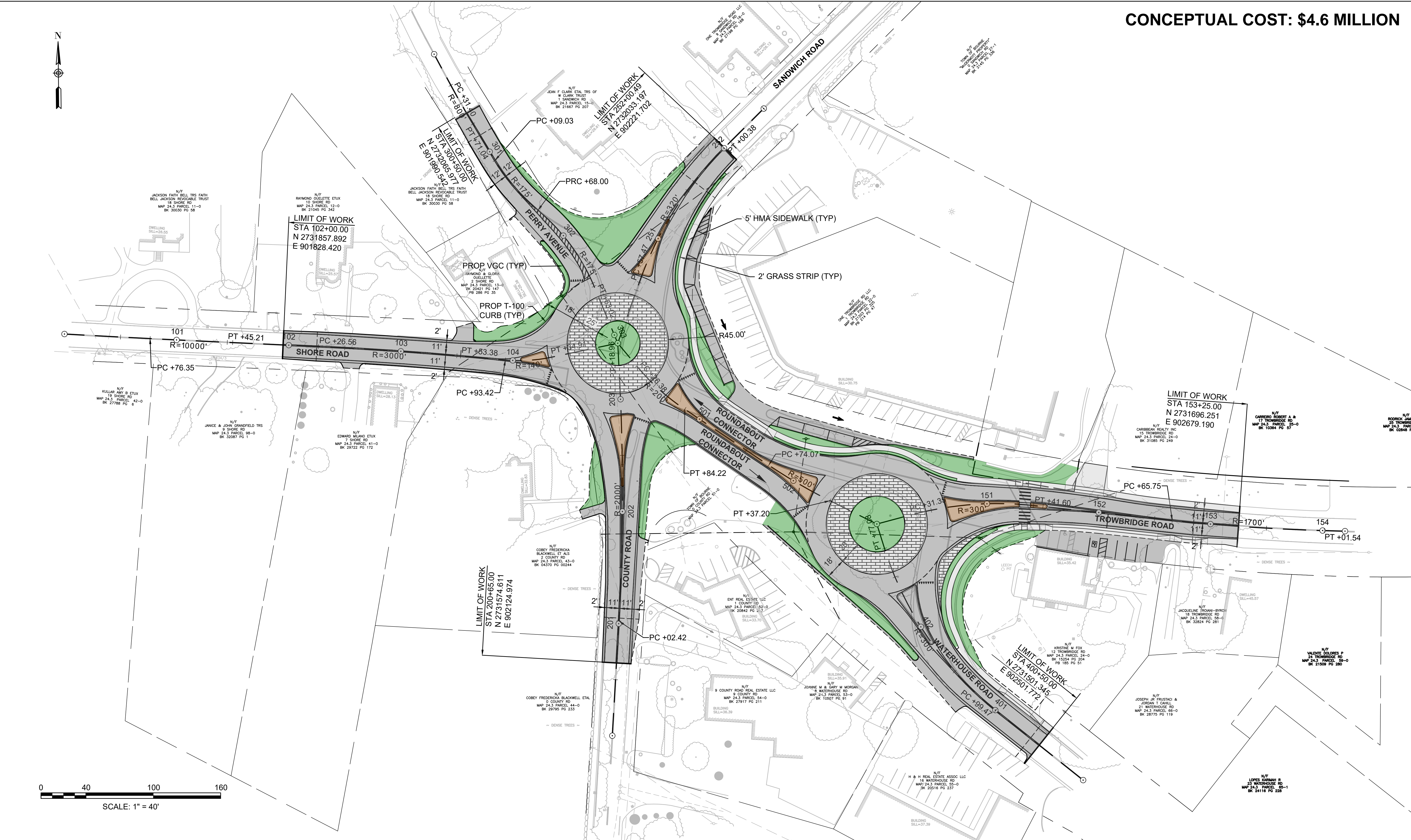
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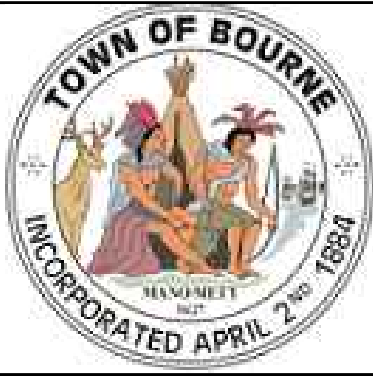
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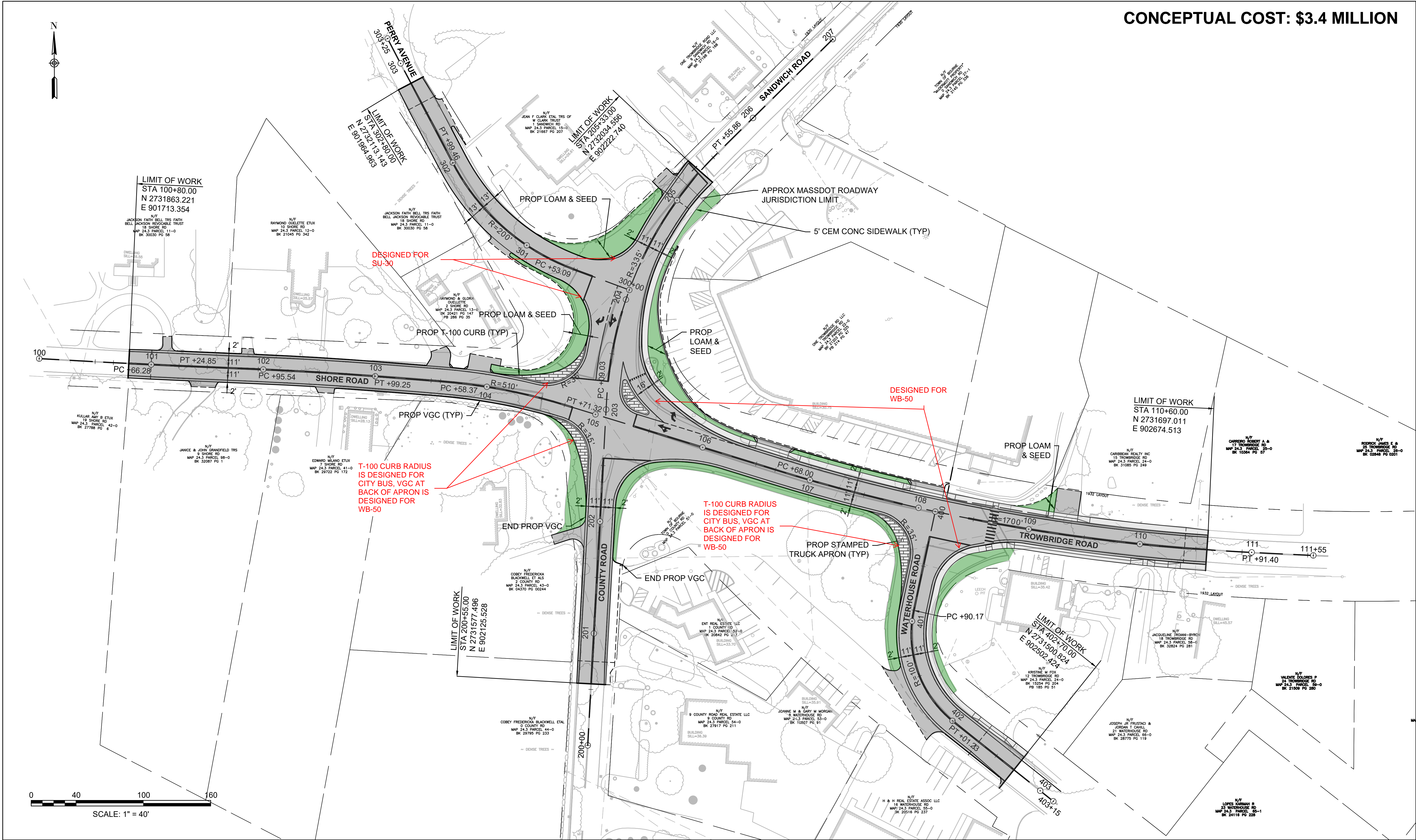
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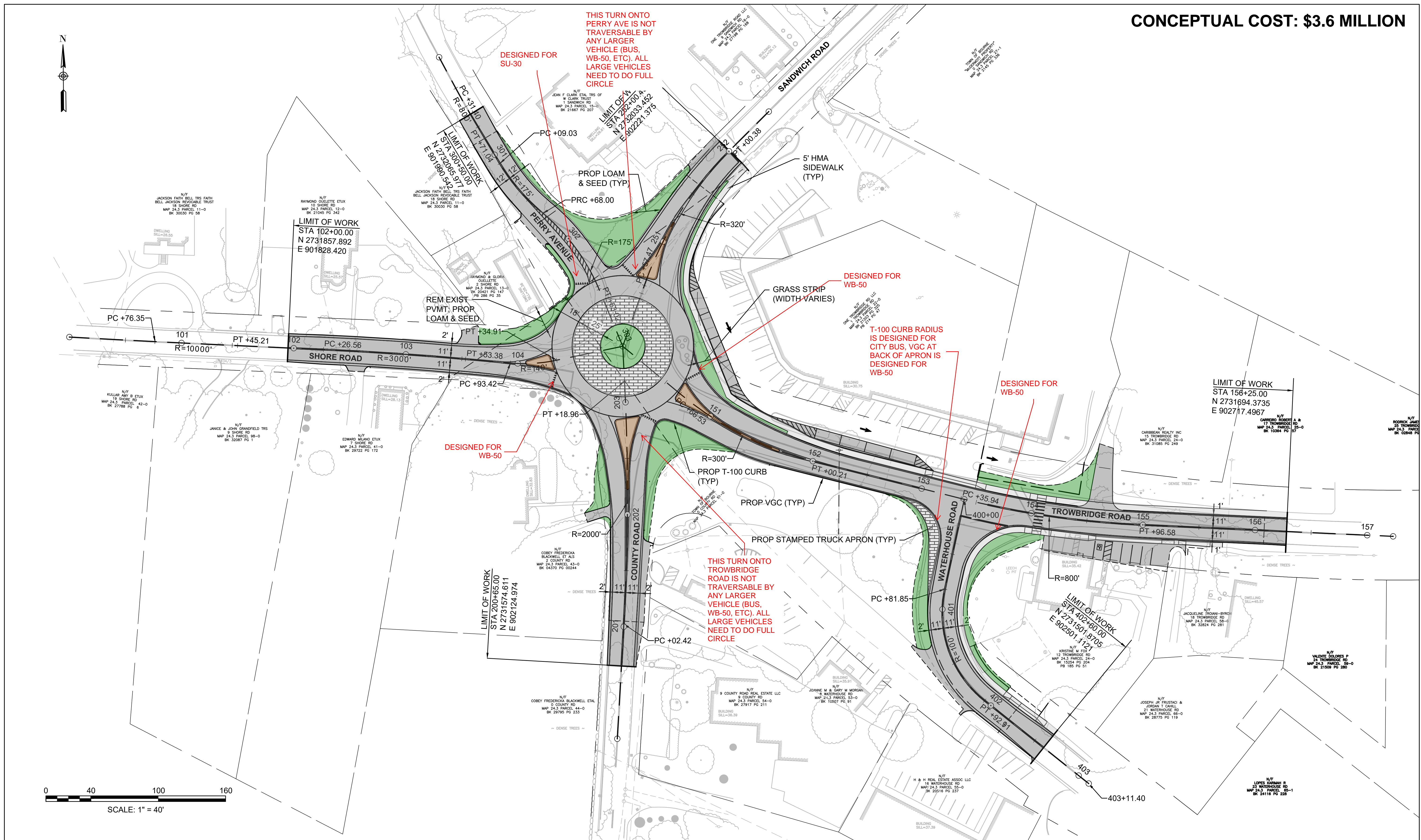
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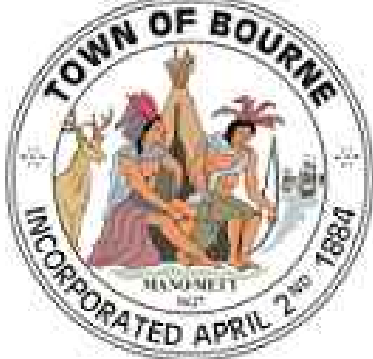


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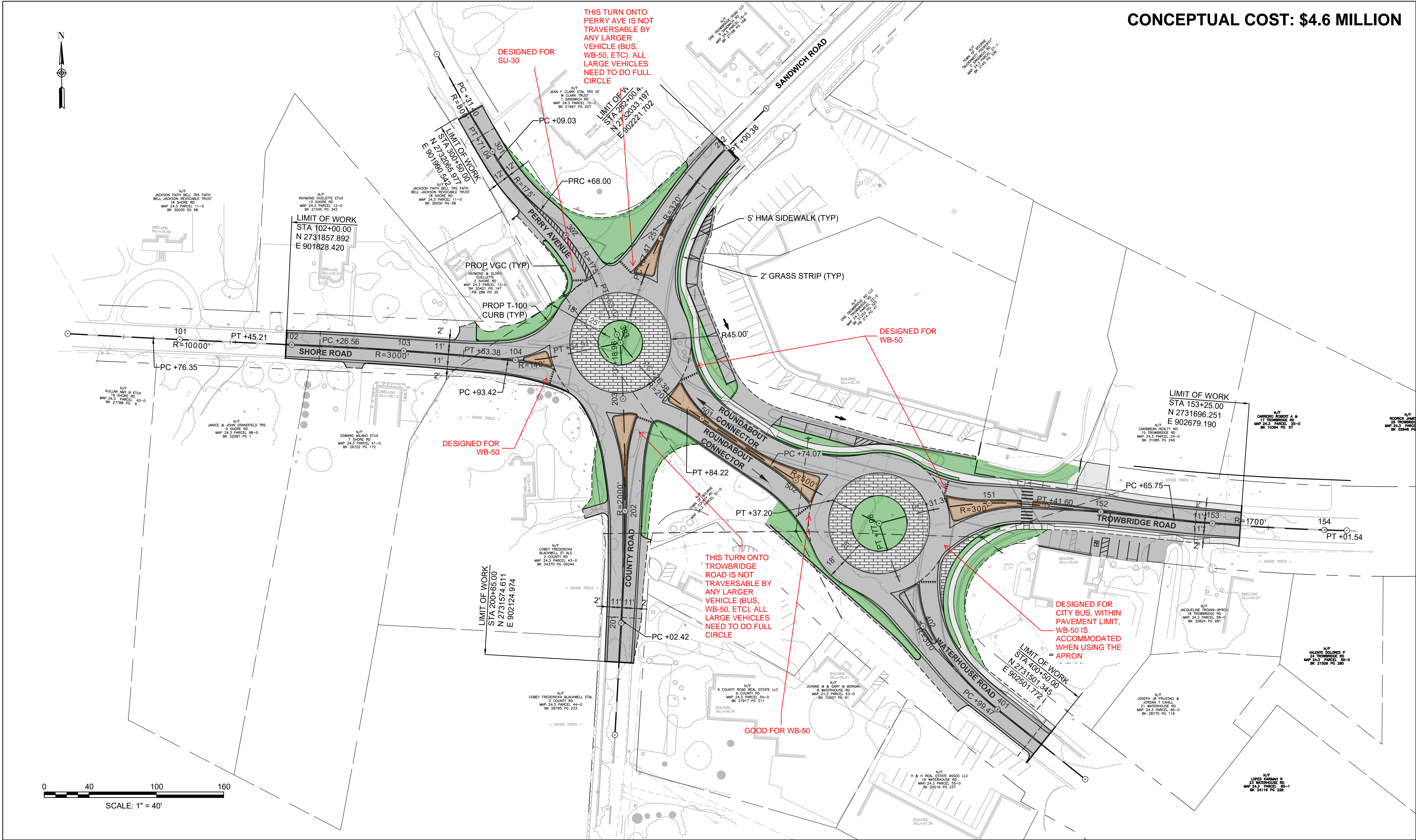
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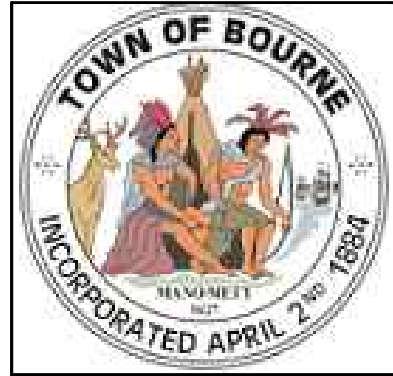
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Sheet No.

1

Drawing file: I:\Bourne 367367-2105- Shore Rd at County Rd01 ACAD\Sheet\ShoreCounty_Concept\Plan.dwg Plot Date: Dec 10, 2021 4:44am

Intersection		2021 Existing		2031 No-Build				2031 Build				2031 Build		2031 Build	
								Stop Control				Single Roundabout		Double Roundabout	
No.	Location														
Approach / Direction ¹ / Lane Group ²		AM	PM	AM	PM	Approach / Direction ¹ / Lane Group ²		AM	PM	Approach / Direction ¹ / Lane Group ²		AM	PM	AM	PM
1	Shore Road/Trowbridge Road at County Road/Sandwich Road														
Shore Rd EB - LTR		B^	C^	B^	D^	Shore Rd EB - LTR		B	C	Shore Rd EB - LTR		A	A	A	A
Trowbridge Rd WB - LTR		A	A	A	A	Trowbridge Rd WB - LT		B*	C*	Trowbridge Rd WB - LTR		A	B	A	B
						Trowbridge Rd WB - R		A*	A*						
County Rd NB - LTR		B	F	B	F	County Rd NB - LTR		A	C	County Rd NB - LTR		A	A	A	A
Sandwich Rd SB - LTR		C	F	C	F	Sandwich Rd SB - LT		A	B	Sandwich Rd SB - LTR		A	A	A	A
						Sandwich Rd SB - R		A	B						
OVERALL		-	-	-	-	OVERALL		B	B	OVERALL		A	A	A	A
2	Sandwich Road at Perry Avenue														
Perry Ave EB - LR		B	B	B	B	Perry Ave EB - LR		B	B	Perry Ave EB - LTR		A	A	A	A
Sandwich Rd NB - LT		A	A	A	A	Sandwich Rd NB - LT		A	A						
Sandwich Rd SB - TR		A	A	A	A	Sandwich Rd SB - TR		A	A						
OVERALL		A	A	A	A	OVERALL		A	A	OVERALL		A	A	A	A
3	Trowbridge Road at Waterhouse Road														
Trowbridge Rd EB - RT		A	A	A	A	Trowbridge Rd EB - RT		A	A	Trowbridge Rd EB - RT		A	A	A	A
Trowbridge Rd WB - LT		A	A	A	A	Trowbridge Rd WB - LT		A	A	Trowbridge Rd WB - LT		A	A	A	A
Waterhouse Rd NB - LR		B	C	B	C	Waterhouse Rd NB - LR		B	C*	Waterhouse Rd NB - LR		B	C*	A	A
OVERALL		A	A	A	B	OVERALL		A	B	OVERALL		A	B	A	A

¹NB = Northbound, SB = Southbound, EB = Eastbound, WB = Westbound; ²L = Left-turn, T = Through movement, R = Right-turn;

^Operations may be worse;

*Occasional blockage of the right turn lane may occur during a portion of the peak hour

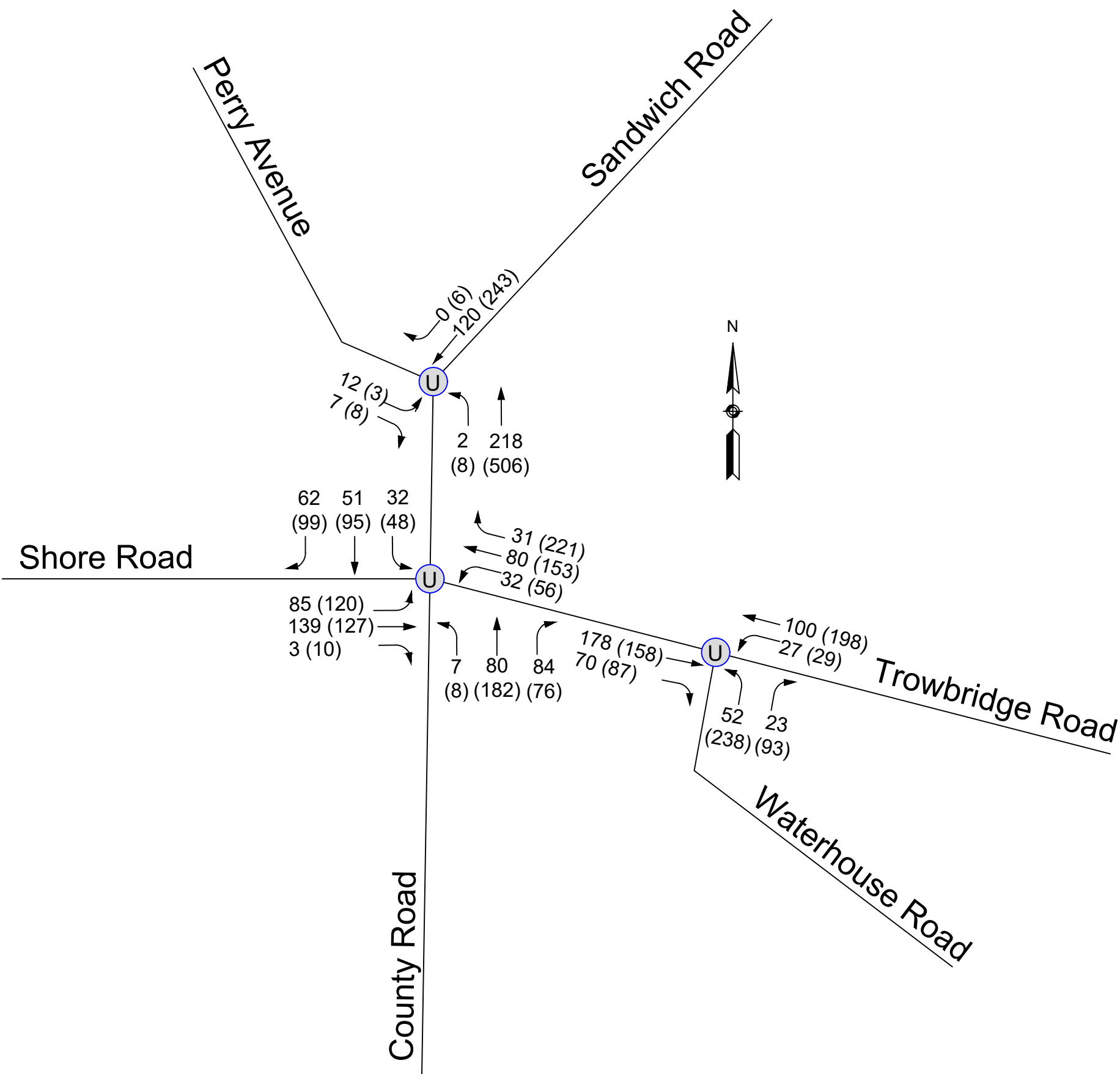


FIGURE 3: 2021 EXISTING PEAK HOUR TURNING MOVEMENT DIAGRAM
 Shore Road/County Road/Sandwich Road/Trowbridge Road Intersection Improvements
 Bourne, MA

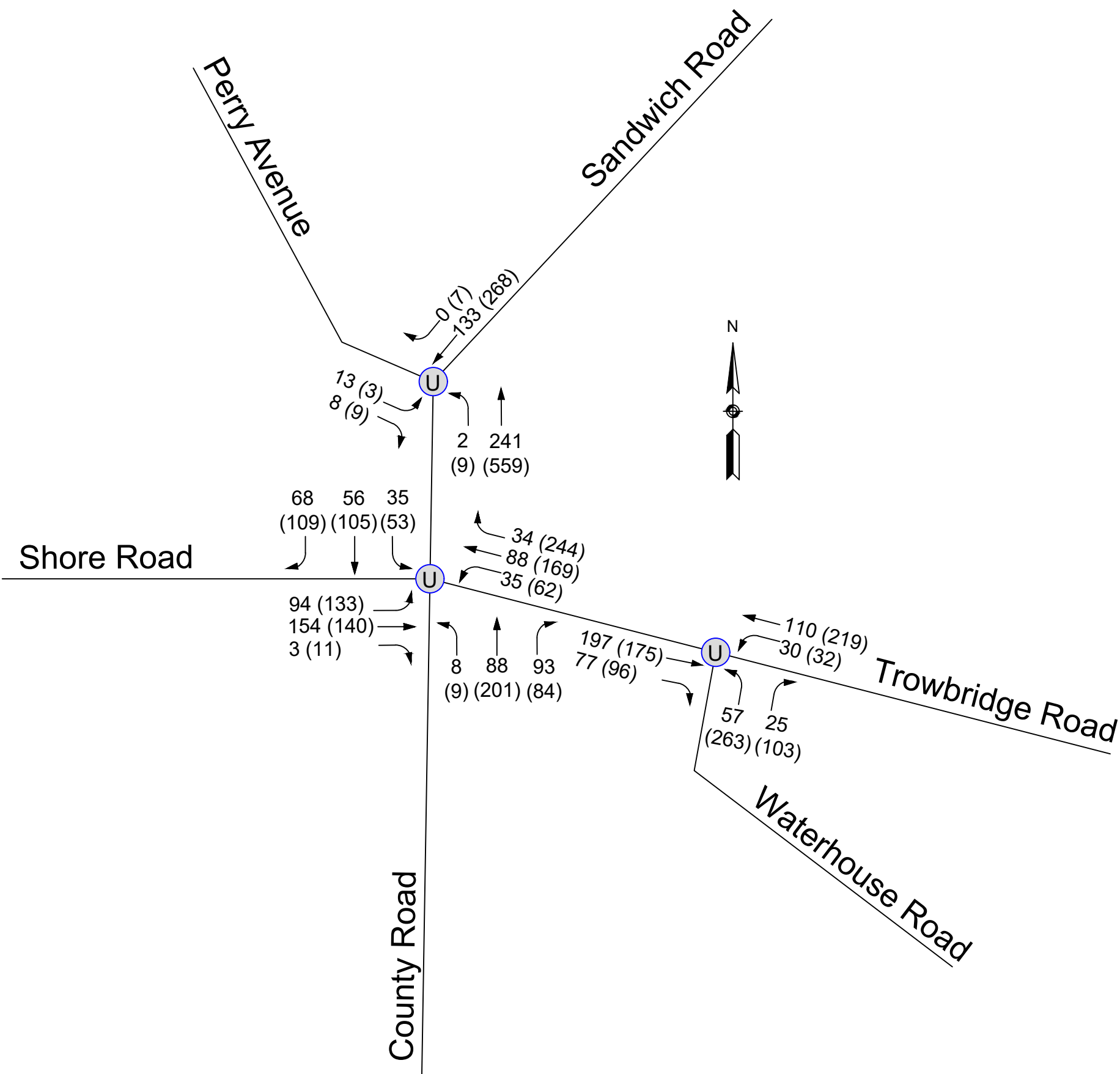


FIGURE 4: 2031 NO-BUILD PEAK HOUR TURNING MOVEMENT DIAGRAM

Shore Road/County Road/Sandwich Road/Trowbridge Road Intersection Improvements
Bourne, MA

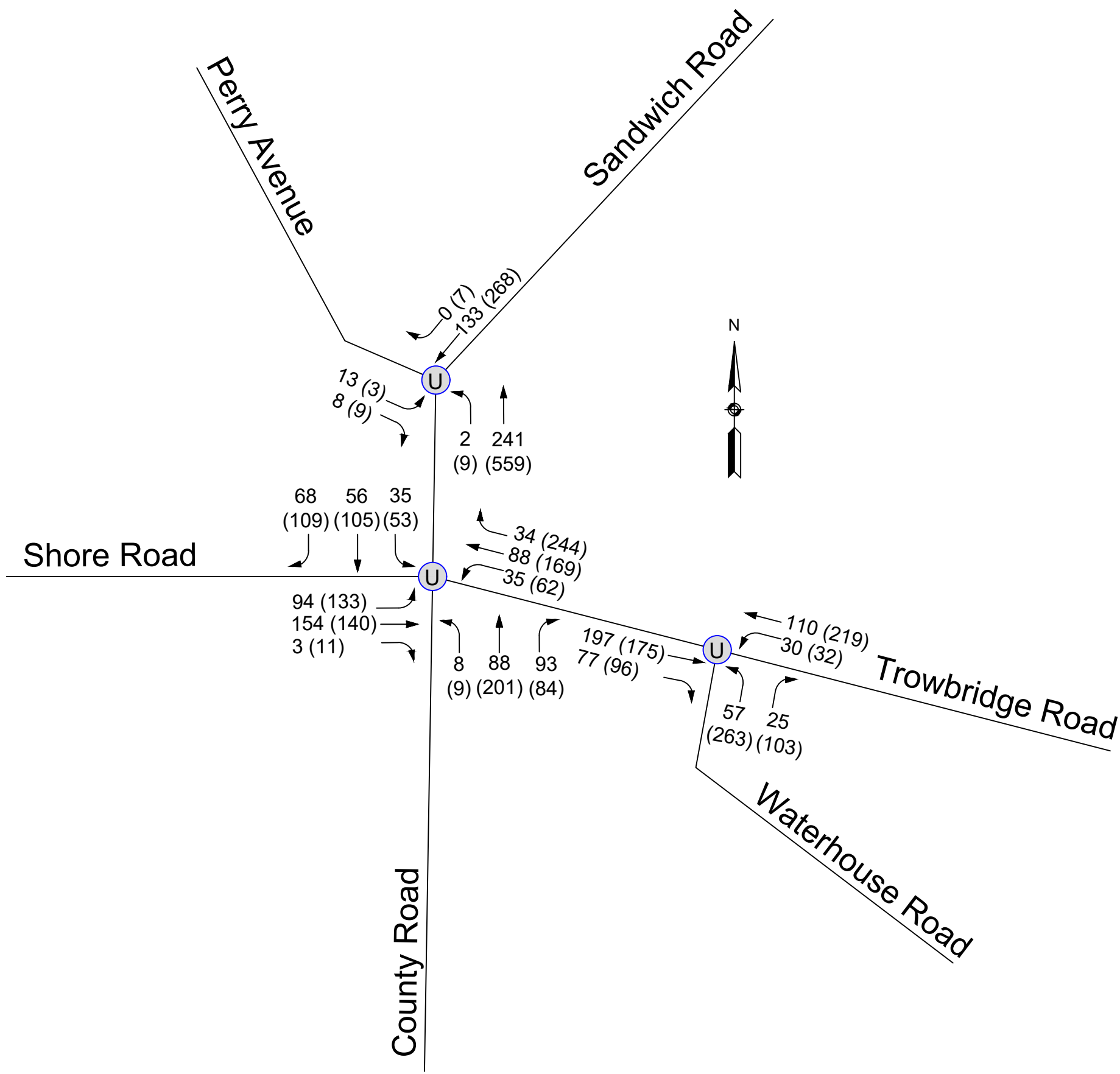
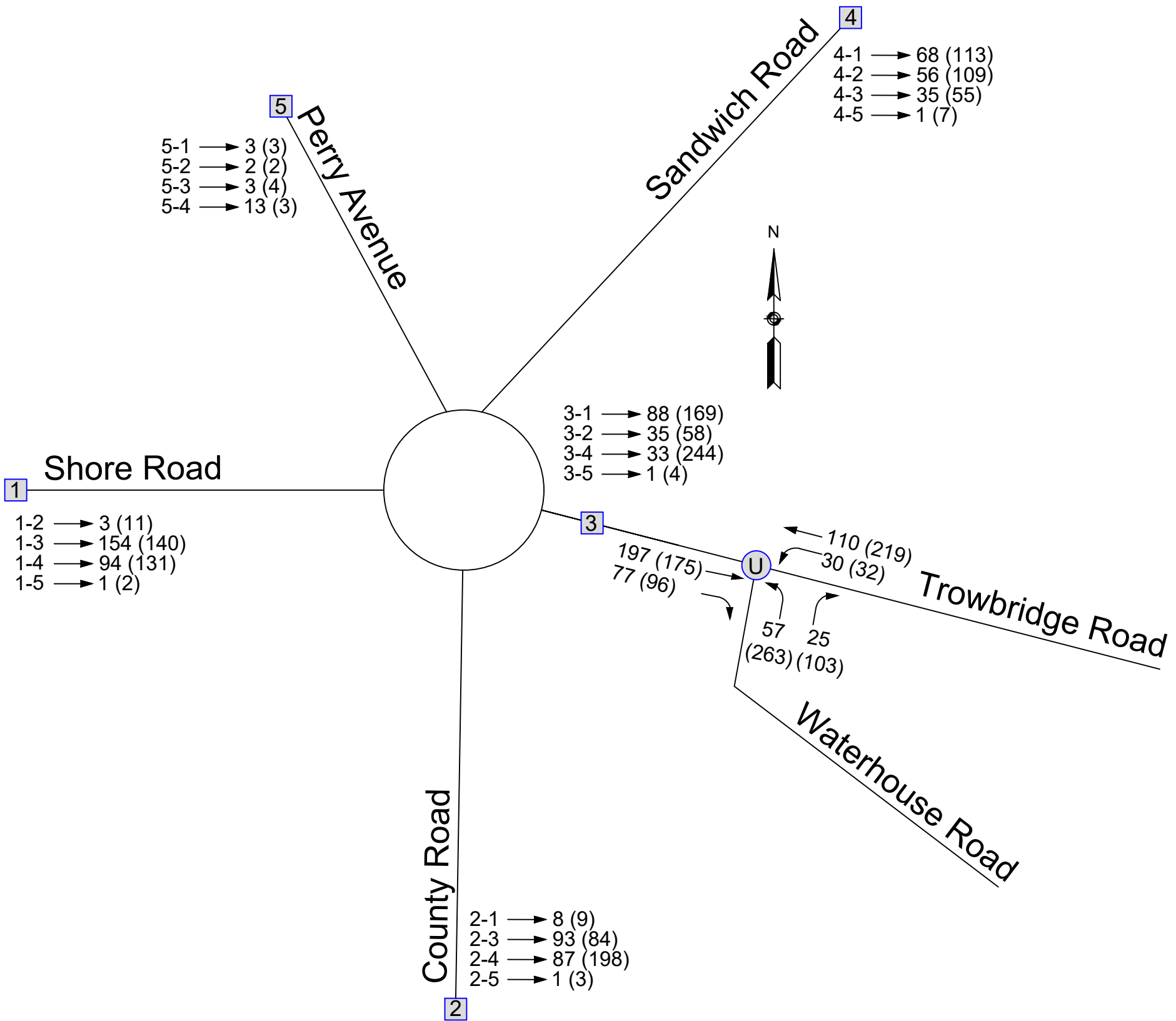


FIGURE 8: 2031 STOP CONTROL ALTERNATIVE TURNING MOVEMENT DIAGRAM
 Shore Road/County Road/Sandwich Road/Trowbridge Road Intersection Improvements
 Bourne, MA



LEGEND:

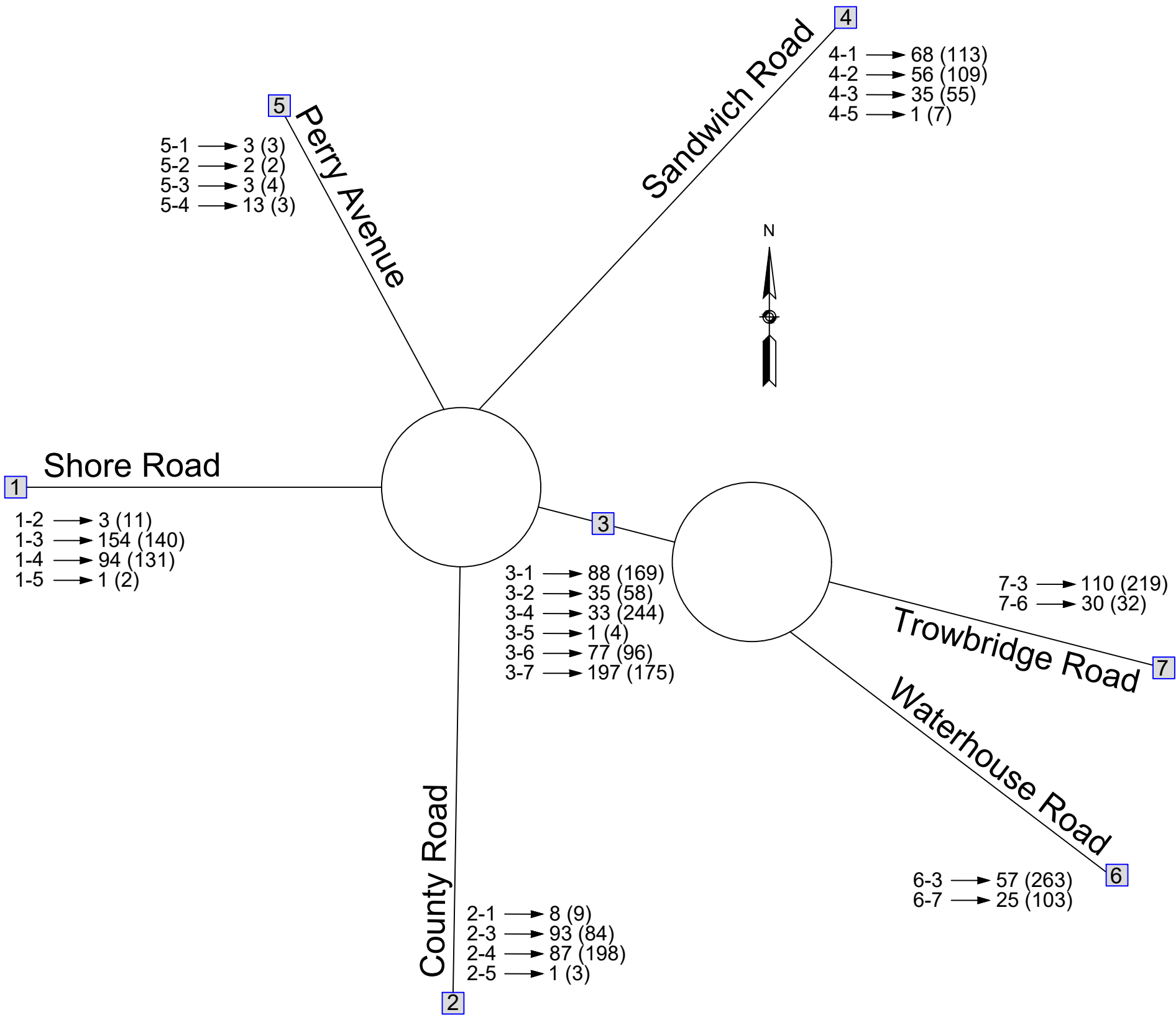
XX (XX) WEEKDAY AM (PM) TRAFFIC VOLUMES

U UNSIGNALIZED

ORIGIN/DESTINATION

FIGURE 9: 2031 SINGLE ROUNDABOUT TURNING MOVEMENT DIAGRAM

Shore Road/County Road/Sandwich Road/Trowbridge Road Intersection Improvements
Bourne, MA



LEGEND:

XX (XX) WEEKDAY AM (PM) TRAFFIC VOLUMES

U UNSIGNALIZED

ORIGIN/DESTINATION

FIGURE 10: 2031 DOUBLE ROUNDABOUT TURNING MOVEMENT DIAGRAM

Shore Road/County Road/Sandwich Road/Trowbridge Road Intersection Improvements
Bourne, MA

N O T
A N
O F F I C I A L
C O P Y

09-16-2016 @ 09:33a

A N

O F F I C I A L
C O P Y

EASEMENT

N O T

N O T

A N

A N

The Town of Bourne, a Municipal Corporation with an address of 24 Perry Avenue, Buzzards Bay, Barnstable County, Massachusetts, being the owner of property located on Trowbridge Road, Bourne, Barnstable County, Massachusetts, shown on Exhibit "A", attached hereto, for consideration of Five Thousand and 00/100 (\$5,000.00) Dollars, paid, hereby grants to One Trowbridge Road, LLC, owner of the property located at 1 Trowbridge Road, Bourne, Barnstable County, Massachusetts, an easement for the purposes of maintaining, repairing and replacing utilities, landscaping, and grading serving 1 Trowbridge Road located on Map 24.3, Parcel 22, as shown on an Easement Sketch Plan attached hereto as Exhibit "A".

The easement granted herein is for the benefit of the land owned by the Grantee which is further described in a Deed dated July 21, 2006 and recorded with the Barnstable County Registry of Deeds in Book 21203, Page 325 and a Deed dated April 9, 2012 and recorded with Barnstable County Registry of Deeds in Book 26337, Page 283.

The easement may not be modified or relocated without the express written consent of the Grantor. Said easement is granted pursuant to a vote of the Bourne Special Town Meeting of the Town of Bourne, dated October 21, 2013, under Article 14, an attested copy of which is attached hereto and incorporated by reference.

The Grantee agrees to assume all risk of loss, damage or injury, of any nature, to persons or property, as a result of the easement and agrees to indemnify the Grantor and its successors and assigns against any and all claims for loss, liability or damages, including costs of defense and attorney's fees, arising from or related to the use of the easement.

Grantee further agrees to maintain the easement premises, by providing maintenance, satisfactory to the Grantor, to the planted ornamental grasses and spread mulch. Grantee shall provide irrigation to this area, at its sole expense, and replenish the mulch on the easement premises in a manner satisfactory to the Grantor but not less than every three years. Grantor further agrees to plant and replace, at its sole expense, any plantings as required by the Grantor.

Grantee Address: 1 Trowbridge Rd., Bourne, MA

Grantee further agrees ^{N O T} to maintain the guard rail and retaining wall, satisfactory to the Grantor, and to inspect the guard rail and retaining wall ^{N O T} on an annual basis and to repair them as required by the Grantor. C O P Y

In Witness Whereof, the Town of Bourne has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and on its behalf by its Board of Selectmen hereby duly authorized this 13th day of September, 2016. C O P Y

The Town of Bourne, by its Board of Selectmen:


Donald J. Pickard, Chair

Peter J. Meier, Vice Chair


George G. Slade, Clerk


Stephen F. Mealy

Michael A. Blanton

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

On this 13th day of September, 2016, before me, the undersigned notary public, personally appeared Donald J. Pickard, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public

My Commission Expires 12-26-19



N O T N O T
COMMONWEALTH OF MASSACHUSETTS

~~Barnstable, ss O F F I C I A L O F F I C I A L
C O P Y C O P Y~~

~~On this _____ day of _____, 2016, before me, the undersigned notary public, personally appeared Peter J. Meier, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.~~

~~Notary Public~~

~~My Commission Expires: _____~~

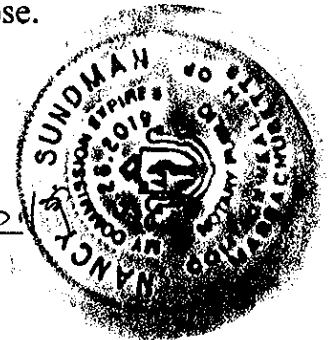
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

On this 13th day of September, 2016, before me, the undersigned notary public, personally appeared George G. Slade, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Nancy J. Sundman
Notary Public

My Commission Expires: 12.26



COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

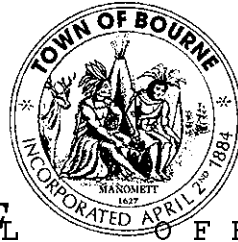
On this 13th day of September, 2016, before me, the undersigned notary public, personally appeared Stephen F. Mealy, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Nancy J. Sundman
Notary Public

My Commission Expires: 12.26.2016







NOT AN OFFICIAL COPY
TOWN OF BOURNE
Office of the Town Clerk
NOT AN OFFICIAL COPY

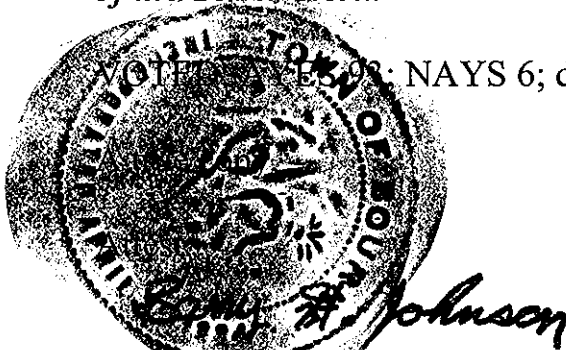
At a legal meeting of the Town of Bourne held October 21, 2013, a quorum being present, the following business was transacted under Article 14:

ARTICLE 14: To see if the Town will vote to authorize the Board of Selectmen to negotiate and execute an **easement with One Trowbridge Road, LLC** for the purpose of maintaining, repairing and replacing utilities, landscaping and grading serving 1 Trowbridge Road as shown on the plan on file with the Town Clerk's Office, or take any other action in relation thereto.

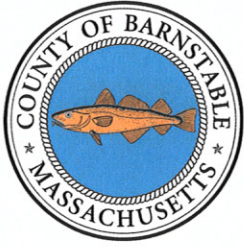
Sponsor – Board of Selectmen

MOTION: We move that the Town vote to authorize the Board of Selectmen to negotiate and execute an easement with One Trowbridge Road, LLC, on terms and conditions deemed by the Selectmen to be in the best interest of the Town, for the purpose of maintaining, repairing and replacing utilities, landscaping and grading serving 1 Trowbridge Road, as shown on a plan on file at the Office of the Town Clerk.

NOTED BY 5-98: NAYS 6; declared the motion passes.



Barry H. Johnson
Town Clerk



BARNSTABLE COUNTY

OFFICE OF THE COUNTY ADMINISTRATOR
SUPERIOR COURTHOUSE
3195 MAIN STREET
P.O. BOX 427
BARNSTABLE, MASSACHUSETTS 02630

Elizabeth Albert
County Administrator

(508) 375-6626
balbert@barnstablecounty.org

December 22, 2021

Via email: gcannon@townofbourne.com

Glenn Cannon, Acting Town Administrator
24 Perry Avenue Y Room 101
Buzzards Bay, MA 02532

Dear Mr. Cannon,

In response to the December 8, 2021 offer from the Town of Bourne to purchase the 65-acre parcel located at 0 County Road and 100 Doctor Julius Kelley Lane, Bourne, shown at Lot 7 on Land Court Plan 24204C and Lot 8 on Land Court Plan 24204D, the Board of Regional Commissioners have authorized me to request an extension of the offer deadline from January 10, 2022 to February 28, 2022. The request for an extension will provide the Commissioner's additional time to consider the offer.

If you would let me know by January 10, 2022 if the Town agrees to the extension request. Thank you for your consideration.

With kind regards,

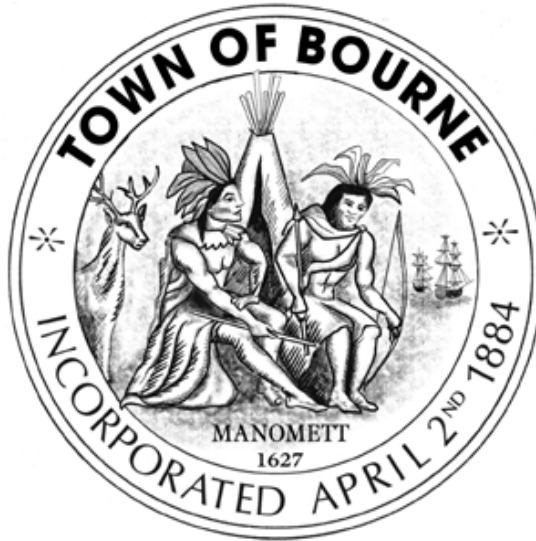
A handwritten signature in blue ink, appearing to read "E. Albert", is written over a horizontal line.

Elizabeth Albert
County Administrator

cc: Barnstable County Board of Regional Commissioners
Shirin Everett, Attorney

TOWN OF BOURNE

BYLAWS



Approved through 2021 May STM & ATM Meeting

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PREFACE

The new Town Charter approved on April 4, 2001 has modified and amended the existing Town Bylaws in many respects, particularly by the establishment of a Town Administrator with the responsibility to carry out many of the duties formerly performed by the Board of Selectmen. See Section 4-6 Powers and Duties of the Town Administrator in the new Charter. It also should be noted, that if there is any conflict between a Town Bylaw and a provision of the Charter, the Charter shall supersede any bylaw to the contrary. See Section 10-1 of the Charter. Accordingly, one must consult both the Town Charter and the Town Bylaws in order to gain a full and complete understanding of the governing provisions of the law as they may apply to any particular matter. *

NOTE: * Various changes amended by Article 21-1, 2002 ATM

CHAPTER 1

TOWN GOVERNMENT STRUCTURE

Article 1.1 Town Meetings

Section 1.1.1

Annual Town Meeting and Elections. The annual town meeting shall be held on the first Monday in May of each year. A copy of the Warrant calling such meeting shall be posted in the Town Hall and in each Post Office in the Town. The annual town elections shall be held on the third Tuesday of May of each year. The Board of Selectmen are directed and authorized to petition the General Court for any legislation which may be necessary or useful in connection with the town meeting or its actions. The Voters handbook, as provided in Section 2-5 (c) of the Town Charter, shall be available to the public at Town Hall and the Public Library not less than fifteen (15) days prior to the Annual Town Meeting. *

NOTE: * Various changes amended by Article 21-2, 2002 ATM

NOTE: * Various changes amended by Article 15, 2007 ATM

"The polls will be open at 7 A.M. for all Town Annual and Special Elections."

Section 1.1.2

Quorum. One-hundred twenty five (125) registered voters shall constitute a quorum to begin any session of any annual or special town meeting, provided however, that after said quorum has been established, a quorum to continue to maintain the meeting at any such session shall be one hundred (100) registered voters. Sessions devoted to the election of officers shall not be subject to this quorum provision. *

NOTE: *Various changes amended by Article 2, 2000 Nov STM

*Various changes amended by Article 27, 2011 ATM

Section 1.1.3

Seating. The certified voter registration list, identification tags, and designated seating areas, as directed by the Moderator, shall be used to ensure separation of the legal voters from all others during the town meeting.

Section 1.1.4

Motions in Writing. All motions shall be submitted in writing when required by the Moderator.

Section 1.1.5

Reconsideration. Reconsideration may only be moved or requested by a voter who voted on the prevailing side of the original vote on the main motion. No vote on a main motion, after being once passed at a meeting, shall be reconsidered at the meeting or at an adjournment thereof, except by a two-thirds vote. If the motion to reconsider is defeated, a motion to reconsider the vote on that article may not be made again.

NOTE: * Various changes amended by Article 23, 2013 ATM

Section 1.1.6

Rules of Order. All questions or order shall be decided by the Moderator in accordance with Robert's Rules of Order as interpreted by "Town Meeting Time, a handbook of Parliamentary Law", except as otherwise provided by statute, and these bylaws, and provided further, that the following rule(s), and procedure(s) shall supersede "Town Meeting Time" to the extent necessary and shall be applicable to all town meetings:

1. In the event the Moderator is absent or unable to preside over any article or articles for any reason, a Temporary Moderator shall be elected in accordance with Chapter 39 Section 14 Paragraph 5, of the Massachusetts General Laws, to conduct the meeting for the article or articles over which the Moderator is unable to so preside. *

NOTE: * Various changes amended by Article 15, 2001 ATM

Section 1.1.7

Vote by Ballot. Upon request of 15 voters a vote shall be taken by ballot.

Section 1.1.8

Time Limit. Each daily session of an annual or a special town meeting shall begin no earlier than 7:00 p.m. and shall conclude no later than 10:00 p.m. unless at such hour a vote is in progress in which event the vote shall be completed, or unless by 4/5ths vote of those in attendance it is voted to continue the session beyond 10:00 p.m. Under no circumstances shall the town meeting be allowed to continue after 11:00 p.m.

NOTE: * Various changes amended by Article 7, 2008 STM

Section 1.1.9

Articles by Lottery. Articles at any Annual and Special Town Meeting shall be considered in the order drawn at random by lottery conducted at the direction of the Town Clerk, except that at any Annual or Special Town Meeting the Board of Selectmen and the Finance

Committee may, by majority vote of each board, notify the Moderator at the commencement of the town meeting that certain articles are essential to the exercise of the Town's corporate functions in which event these designated articles shall be heard in order prior to those articles drawn by lottery. The criteria for this determination by the board of Selectmen and Finance Committee may include, but shall not be limited to, any one or more of the following articles or articles amending same: Annual Operating Expenses; Enterprise Accounts; stabilization Fund; reserve Fund; Chapter 90 Receipt of Highway Aid; Annual Authorizations; and, unpaid bills. In addition, the Selectmen shall notify the Moderator which articles in the warrant shall be contingent upon action upon another article or articles and these articles shall be taken in succession when either article comes to the town meeting floor for action. *

NOTE: * Various changes amended by Article 16, 2001 ATM

* Various changes amended by Article 12, 2010 ATM

Section 1.1.10

Sponsor of Articles. Each article submitted to the town meeting for vote shall at the conclusion thereof state the identity of its sponsor. In the case of a town board or committee: its name shall be so stated, in the case of a town official: his or her name and title or position shall be so stated, in the case of a private petition on behalf of a firm, organization or other entity: its name shall be stated: and in all other cases: the first signatory to the petition shall be considered the sponsor thereof. *

NOTE: * Various changes amended by Article 4, 2000 Nov STM

Section 1.1.11

Two-thirds votes: If a two-thirds vote of the Town Meeting is required by statute a count shall not be taken unless it is deemed necessary in the discretion of the Moderator. Notwithstanding the foregoing, if a two-thirds vote so declared by the Moderator is immediately questioned by seven or more voters, the Moderator shall verify it by polling the voters or by dividing the meeting.

NOTE: * Various changes amended by Article 22, 2013 ATM

Article 1.2 Selectmen

Section 1.2.1

Supervision. The Selectmen shall exercise a general supervision over all matters affecting the interests or welfare of the Town consistent with all relevant provisions of the Town Charter. *

NOTE: * Various changes amended by Article 21-3, 2002 ATM

Section 1.2.2

Legal Proceedings. The Selectmen may institute, prosecute, defend, compromise and settle claims, actions, suits or other proceedings brought by, on behalf of, or against the Town, provided, however, that they shall act upon advice of counsel whenever they deem it necessary.

Section 1.2.3

Appearances. The Selectmen may appear (either personally or by counsel) before any committee of the legislature, or board or commission, to protect the interest of the Town, but are not authorized by this bylaw to commit the Town to any course of action.

Section 1.2.4

Statistics in Annual Town Report. The Selectmen shall include in their annual report such statistics as they shall deem in order, to give the Town full information upon the subject of the general welfare of the inhabitants of the Town.

Section 1.2.5

Report Regarding Town and County Ways. The Selectmen shall in their annual report state in detail what action they have taken in the year preceding, in regard to Town ways and county ways, and they shall state what ways have been altered, what damages have been assessed and paid, what claims are outstanding, and what claims are in suit against the Town.

Section 1.2.6

Time Limit for Annual Town Report. It shall be the duty of the Selectmen to have printed annual reports of the Town ready for distribution not later than fourteen days before the Annual Town meeting, if practicable.

Section 1.2.7

Time Limit for Filing Annual Operating Budgets. Each head of a department, board or committee or other officer in charge of the expenditures of the money of the Town shall not later than December 8th of each year file with the Town Administrator an operating budget on forms approved by the Town Administrator indicating the appropriation requested for the regular annual expenses of such department, board, committee or office for the next fiscal year.

On or before January 15th of each year, the Town Administrator shall submit to the Board of Selectmen a proposed operating budget and a capital program and capital budget for all town departments, including the School Department. The proposed budget shall be accompanied by a budget message and supporting documents as required by the Bourne Town Charter Article 7 -1. The Board of Selectmen shall review the proposed budget and capital plan and make any changes deemed appropriate. They will then transmit the budget and capital plan to the Finance Committee on or before February 1st of each year. *

NOTE: * Various changes amended by Article 21-4, 2002 ATM

NOTE: * Various changes amended by Article 20, 2007 ATM

Section 1.2.8

Payment Authorizations. Every bill shall, before being presented to the Finance Director for payment, be signed by a person authorized by the head of the department, or by a majority of the board or committee. Bills shall be listed on a Schedule, in duplicate, which shall be signed by a person authorized by the head of the department or by a majority of the board or committee. Schedules shall be listed on the Treasury Warrant, prepared by the Finance Director for approval by the Town Administrator in accordance with Section 7-5

of the Charter. * *[Original 1.2.8 Budget deleted – Article 21-5, 2002 ATM]*

NOTE: * Various changes amended by Article 21-6, 2002 ATM

NOTE: * Various changes amended by Article 19-A, 2007 ATM

Section 1.2.9

Auditing. The Selectmen may petition the Director of Accounts in the Massachusetts Department of Corporations and Taxation for an audit of the books and accounts of the Town, as provided in Chapter 44, Section 35 of the Massachusetts General Laws.

Article 1.3 Finance Committee

Section 1.3.1

There shall be a Finance Committee Consisting of 12 voters of the town appointed by the Moderator, none of whom shall hold any other town office. Town of Bourne employees, including school employees, shall not be eligible for appointment to, or service on, the Finance Committee as provided in Section 2-9 of the Town Charter.

The term of service for members of the Committee shall be three years. The term of service for four members shall expire each year and their successors shall be appointed by the Moderator. No person shall be eligible for re-appointment as a member of the Finance Committee unless he/she has attended at least 75% of all regular meetings duly called by the Chairman of the Committee during his/her tenure. The Committee shall annually submit an attendance report to the Moderator. *

NOTE: * Various changes amended by Article 21-9, 2002 ATM

NOTE: * Various changes amended by Article 18, 2007 ATM

NOTE: * Various changes amended by Article 26, 2016 ATM

Section 1.3.2

Duties. It shall be the duty of the Finance Committee to consider all matters of business included within the articles of the warrant for every Town Meeting. The Committee, after due consideration, shall report such recommendations as it shall deem best, concerning all articles in such warrant relating to the appropriation of money or which would otherwise occasion an expense to the Town. Said report and recommendations thereon shall be in accordance with all applicable provisions of the Town Charter, including Section 7-4 thereof.

NOTE: * Various changes amended by Article 21-10, 2002 ATM

Section 1.3.3

Authorizations. The Finance Committee or any person authorized to act for the Committee shall have authority at any time to examine and investigate the books, accounts and the management of any department or officer of the Town; and the books and accounts of the Town and all the officers thereof shall be open to the inspection of the Committee.

Section 1.3.4

Report to Town Meeting. The Finance Committee before the Annual Town meeting shall

report to the Town the estimates of the several departments, and the recommendations of the Selectmen thereon, together with its own comments, suggestions and recommendations thereon, and further the Finance Committee shall make a recommendation on all other articles in the Warrant. All recommendations made by the Finance Committee shall include the number of Ayes and Nays recorded for each recommendation. Said report and recommendations thereon shall be in accordance with all applicable provisions of the Town Charter, including Section 7-4 thereof.

NOTE: * Various changes amended by Article 21-11, 2002 ATM

Section 1.3.5

Reimbursement. The members of the Finance Committee shall serve without pay for their services; but they may be reimbursed for actual expenses incurred in the discharge of their duties.

Section 1.3.6

Termination of Membership. Any member of the Finance Committee absent from four consecutive meetings of the Committee without rendering an excuse acceptable to the Committee, shall there by cease to be a member thereof. Vacancies occurring in this or any other manner shall be reported to the Moderator who shall appoint a member to fill the unexpired term within a period of thirty days from notification of the vacancy.

Article 1.4 Planning Board

Section 1.4.1

Membership. There shall be a Planning Board consisting of nine voters of the Town elected as provided by Section 10-5 (i) of the Town Charter, beginning with the Town Election in 2002. Terms of Associate Members shall be appointed as provided in Section 1410, or any successor Section of the Bourne Zoning Bylaw. Terms of members elected hereunder shall expire on the last day of an Annual Town Election, and the terms of office for new members shall begin on the first day following the Annual Town Election.

NOTE: * Various changes amended by Article 21-12, 2002 ATM

Section 1.4.2

Organization. The Planning Board shall annually organize by election from its own members a Chairman, Vice Chairman and a Clerk, and may fix their compensation, if any, and may employ and fix the compensation of such experts, clerical and other assistants, as may be approved in each case by the Board of Selectmen. *

NOTE: * Various changes amended by Article 26, 2000 ATM

Section 1.4.3

Powers and Duties. The Planning Board shall be invested with all powers and duties of Planning Boards under the General Laws of the Commonwealth as adopted and amended.

Section 1.4.4

Zoning Actions at Town Meeting. Planning Board shall make a report and recommendation

on each article in a town meeting warrant relating to or amending the Zoning Bylaw of the Town of Bourne.

Section 1.4.5

Public Land. No public park, recreation area, or similar land or facility for public use shall be created without prior reference to the Planning Board for investigation and the Planning Board shall report and make recommendations to the Board of Selectmen thereon.

Section 1.4.6

Buildings and Roads. The location and placement of all proposed public buildings, and acceptance of roads or improvement thereof, shall be referred to the Planning Board for investigation and report to the Board of Selectmen thereon.

Section 1.4.7

Reporting on Referrals. In all cases referred to the Planning Board for investigation, report, or other action, a failure of the Planning Board to report in writing thereon to the Board of Selectmen within forty-five days from the date of its referral shall be construed as an approval of the action requested.

Section 1.4.8

Matter Not Requiring Planning Board Action. No matters involving ordinary maintenance and/or repairs shall require action by the Planning Board.

Section 1.4.9

Street Names. The Board of Selectmen may after public hearing change the name of streets, ways and alleys and shall approve the name of all streets. No street sign shall be erected without approval of the name by the Board of Selectmen.

Article 1.5 Capital Outlay Committee

Section 1.5.1

Membership. There shall be a Capital Outlay Committee, consisting of five (5) voters of the town appointed as follows: The Selectmen shall appoint three (3) members at large and two (2) members shall be appointed by the members of the Finance Committee from its membership.

Section 1.5.2

Finance Director Ex-Officio. The Finance Director shall be an ex-officio member and shall not be entitled to vote on making recommendations to be included in its reports. *

Section 1.5.3

Terms of Appointment and Officers. Members shall be appointed for 3-year terms. The terms shall be so arranged that the terms of all members of the Committee do not expire in the same year. Members may be reappointed and they shall serve without compensation. The Committee shall elect a Chairman, Vice-Chairman and Clerk from among the members at its first meeting, on or after July 1st of each year.

Section 1.5.4

Duties. It shall be the duty of the Committee to recommend annually what capital outlay

items as defined herein, will be required by the Town in the next five (5) years. In making this determination, the Committee will consult with the Selectmen, Town Administrator, and with Boards, Department Heads, and Committees of the Town. All Department Heads and members of Town Boards and Committees will cooperate with the Committee and respond to its requests for information. The Capital Outlay Committee as established herein shall be the Committee designated to work in conjunction with the Town Administrator in preparing a Capital Improvement Program and Capital Budget as set forth in Section 7-2 of the Charter.

NOTE: * Various changes amended by Article 21-13, 2002 ATM

NOTE: * Various changes amended by Article 19-B, 2007 ATM

Section 1.5.5

Annual Report. The Capital Outlay Committee shall prepare an annual report of its recommendations which shall be submitted to the Town Administrator, Board of Selectmen and the Finance Committee on or before January 10th of each year. Said report shall include its recommendations for the scheduling and financing of capital outlays. The Committee shall make such further reports during the year as the Town Administrator or Board of Selectmen may request.

NOTE: * Various changes amended by Article 21-14, 2002 ATM

NOTE: * Various changes amended by Article 9, 2019 Fall STM

Section 1.5.6

Capital Outlay Items Defined. Any proposed article meeting the definition of a capital outlay item as herein defined shall be presented to the Capital Outlay Committee for review as a Capital Outlay item. A Capital Outlay item will refer to any activity that meets one or more of the following criteria:

- a. The acquisition of land or buildings.
- b. The new construction, reconstruction, repair, replacement, or improvement of buildings or other public facilities, drainage facilities, streets, sidewalks, parks or improvements of land with a cost in excess of \$20,000.00.
- c. The purchase of major equipment, including motor vehicles, with a cost in excess of \$10,000.00.
- d. The planning and design studies for any Capital Outlay item as defined.
- e. And those items referred to the Capital Outlay Committee by the Finance Committee.

NOTE: * Various changes amended by Article 26, 2000 ATM

Article 1.6 Community Engagements Committee

Section 1.6.1

Membership: There is hereby established in the Town of Bourne, a Community Engagements Committee, consisting of seven (7) members. The composition of the Committee, the appointment authority and the term of office for the committee members shall be as follows:

Three (3) residents at-large, and registered voters in the Town of Bourne, appointed by the Board of Selectmen.

One member of the Bourne Cultural Council

One member of the Bourne Board of Selectmen

One member of the Bourne Finance Committee

The Town Administrator or his or her Appointee

Present members shall continue their respective terms in office as they were originally appointed. As said terms expire, appointments shall be made for up to three (3) year terms in a manner so that the terms of all members do not expire in the same year as provided in Section 2.4.3 of these Bylaws. Members may be reappointed, and they shall serve without compensation. Any vacancies shall be filled for the remainder of the vacant term.

If any of the appointing authorities above cease to exist, the Board of Selectmen shall appoint in place of such appointing authorities, individuals qualified to serve on said Committee, as appointees at-large. Each appointing authority shall have (90) ninety days to make its appointments, after both passage of this bylaw, and approval by the Attorney General of the Commonwealth.

Section 1.6.2

Officers: The Community Engagements Committee shall have a Chairperson, Vice-Chairperson and a Clerk, and all of whom shall be elected from among the membership no later than its second meeting held on or after July 1 of each year.

Section 1.6.3

Duties: The Community Engagements Committee mission is to sponsor and encourage community events, projects, activities, services, programs, and public improvements which are of mutual interest to the visitors and residents of the Town of Bourne, and, which strengthen the Town by fostering community involvement and spirit. The Committee shall create an application for funding and invite organizations or individuals to submit on events or activities that will benefit the Town of Bourne and its citizens. In no event may a Member present a project before the Committee. The committee shall provide quarterly reporting to the Board of Selectmen and Town Administrator.*

Section 1.6.4

Funding: The Committee is hereby authorized to expend, for the purposes set forth in this bylaw, all moneys that are made available to it by appropriation, by gifts or grants, or by transfer of funds authorized by law. Any and all contracts for supplies, services, programs, and projects authorized by the Committee shall be awarded and executed by the Town Administrator on the recommendation of the Committee, subject to compliance with applicable procurement laws of the Commonwealth.

Section 1.6.5

Administration. The Committee is authorized to spend up to five percent (5%) of the annual appropriation to the Community Engagements fund for advertising, publications, general administrative costs or other activities deemed appropriate by a majority vote of Committee.*

NOTE: * Added by Article 22, 2019 ATM

Article 1.7 Recreation Committee

Section 1.7.1

Membership. There shall be a Recreation Committee consisting of nine voters of the Town appointed annually by the Board of Selectmen.

Section 1.7.2

Organization. The Committee shall annually organize by election from its members a chairman, a vice-chairman, and a clerk.

Section 1.7.3

Duties and Responsibilities. The Committee shall review all requests from private organization for town funding of athletic and recreation programs, and shall transmit its recommendations therefor to the Selectmen and finance committee in the form of its annual budget submission; the Committee may develop town-sponsored athletic and recreation programs; the Committee shall develop, and regularly update, a written master plan for development and coordination of recreation programs and utilization of recreation facilities for all age groups in the town; and, shall be responsible for such other matters as may from time to time be referred to it. The committee shall not have jurisdiction or supervision over recreation programs of the school department, lifeguard department, Bourne Council on Aging, or Bourne Veterans Memorial Community Center, unless so requested by such departments. *

NOTE: * Various changes amended by Article 19-C, 2007 ATM

NOTE: * Various changes amended by Article 15, 2008 ATM

Article 1.8 School Building Committee

Section 1.8.1

Membership. There shall be a School Building Committee consisting of membership as set forth in Massachusetts Code of Regulations 963 CMR 2.00 as may be from time to time amended. The members as set forth in said Code of Massachusetts Regulations shall be appointed as needed by the Moderator. The provisions of Section 2.4.3 of the bylaws concerning the staggering of appointments shall not be applicable to the appointments to the School Building Committee. *

Section 1.8.2

Officers. The Committee shall elect from within its membership a Chairman, Vice-Chairman, and Secretary.

Section 1.8.3

Duties: The Committee shall function on school building projects requiring new

construction or an addition to an existing building. The Committee shall assume the responsibility of owner for the purpose of selecting and contracting with the architect and general contractor and shall authorize payments for services rendered. The committee shall be responsible for such other related matters as may, from time to time, be referred to it.

Section 1.8.4

Reports: The Committee shall prepare a report of its activities which shall be submitted to the Board of Selectmen on, or before, the first of July in order that it be included with the town's Annual Report for that year. The Committee shall make such further reports as may be requested by the Selectmen or the School Committee.

Section 1.8.5

Term of Service. The Committee Members shall serve until the School Committee votes that the projects and responsibilities for which the members were appointed have been completed. Upon such vote by the School Committee, the School Building Committee shall be disbanded until such time as the Moderator shall appoint a new Committee in accordance with Section 1.8.1 for a new or different project.

The Moderator shall appoint a successor member to the School Building Committee whenever there is a vacancy due to death, resignation or inability to continue to serve because of membership requirements as set forth in section 1.8.1. and/or Section 2.4.4, or act anything thereon. *

NOTE: * Various changes amended by Article 8, 2000 Nov STM

NOTE: * Various changes amended by Article 12, 2014 Oct STM [re-numbered]

Section 1.9 Bylaw Committee

Section 1.9.1

Membership: There shall be a Bylaw Committee consisting of seven (7) voters of the Town, one shall be from the Finance Committee, one shall be from the Planning Board, and five (5) members at large, all of whom shall be appointed by the Board of Selectmen. In addition the Police Chief or Chief's designee shall serve as an Ex-Officio member, for advice and counsel. The Police Chief or Chief's designee shall be a non-voting member. *

NOTE: * Various changes amended by Article 5, 2008 Nov STM

Section 1.9.2

Organization: Members shall be appointed for 3-year terms. The terms shall be so arranged that the terms of all members of the committee do not expire in the same year. Members may be reappointed and they shall serve without compensation. Members may be re-appointed and they shall serve without compensation. Any vacancies shall be filled in the same manner as the original appointment for the remainder of the vacant term. *

Section 1.9.3

Officers: The Committee shall elect a Chairman, Vice-Chairman and Clerk from among the members at its first meeting on or after July 1st of each year. *

Section 1.9.4

Duties: The Bylaw Committee shall review the Town Bylaws and present any revisions or amendments that they deem necessary and desirable to the Town Meeting for appropriate action. Said Committee shall also review all proposed Town Bylaws in advance of the presentation to the Town Meeting and shall make their recommendation to the Town Meeting prior to any vote being taken thereon, or to take any other action in relation thereto. *

NOTE: * Various changes amended by Article 10, 2000 Nov STM

NOTE: * Various changes amended by Article 16, 2007 ATM

Section 1.10 Shore and Harbor Committee

Section 1.10.1

Membership: There shall be a Shore and Harbor Committee consisting of seven (7) registered voters appointed by the Board of Selectmen. Said Committee may include a member of the Conservation Commission and the Harbormaster, or his designee, as non-voting participants.

Section 1.10.2

Organization: Present members shall continue their respective terms in office as they were originally appointed. As said terms expire, appointments shall be made for up to three (3) year terms in a manner so that the terms of all members do not expire in the same year as provided in Section 2.4.3 of these Bylaws. Members may be reappointed and they shall serve without compensation. Any vacancies shall be filled for the remainder of the vacant term.

Section 1.10.3

Officers: The Shore and Harbor Committee shall have a Chairperson, Vice-Chairperson and a Clerk, and all of whom shall be elected from among the membership at its first meeting held on or after July 1 of each year.

Section 1.10.4

Duties: The Shore and Harbor Committee shall initiate, encourage and carry out improvements on the land along the shores now or later owned by the Town, and all adjacent waters thereto, for the purpose of increasing the use and safety thereof, all in the public interest, for bathing, boating, recreational fishing, shellfishing and any other related water activities.

In addition, said Committee may plan and construct, consistent with the foregoing purposes, facilities for the development and convenient accommodation of bathing and boating on the shores and contiguous tidal waters. Subject to the approval of the Town Administrator, said Committee may enter into contracts in the name of the Town, subject to necessary appropriation, if applicable, and also subject to the approval of the Town Administrator, to engage secretarial assistance and do such other things as may be necessary for the accomplishment of its lawful purposes, as provided herein.

NOTE: * Various changes amended by Article 25, 2002 ATM

CHAPTER 2

TOWN GOVERNMENT OPERATION

Article 2.1

[The Salary Administration Plan - deleted]

NOTE: * Deleted by Article 14, 2010 ATM

Article 2.2 Protection of the Interest of the Town

Section 2.2.1

Annual Inventory. The head of every department of the Town shall annually, in January, take an inventory of all articles and property belonging to such department and shall file a list of these articles and property with the Town Administrator. The Town Administrator shall annually take an inventory of all articles and property in the Town offices, Town Hall and other buildings under his immediate jurisdiction and keep a copy thereof in his office.

NOTE: * Various changes amended by Article 21-16, 2002 ATM

Section 2.2.2

Storage. All material, equipment of paraphernalia belonging to the Town, when not in use for construction or in active service in some other place in Town, shall be kept in buildings or on property owned or leased by the Town; but exemption from the foregoing requirements may be secured by the head of a department, by filing a statement of facts with the Selectmen, setting forth reasons for making such exemption necessary for the welfare of the Town, which statement shall be entered upon the Selectmen's records.

Section 2.2.3

Sale of Materials to Town. No Town officer or no salaried employee of the Town shall sell materials, or supplies to the Town without the permission of the Selectmen expressed in a vote which shall appear on their records with a statement of the reasons therefor.

Section 2.2.4

Extra Compensation. No Town officer and no salaried employee of the Town shall receive any compensation or commission for work done by him for the Town, except his official salary, without the permission of the Selectmen, expressed in a vote which shall appear on their records with a statement of the reasons therefor.

Section 2.2.5

Public Auction of Equipment. The Selectmen may sell at public auction or by solicitation of sealed bids after advertising any equipment belonging to any department in the Town providing that the department has no further use for the same, and turn the money over to the Treasurer. Items considered of no value by the Selectmen, may be otherwise disposed of.

Section 2.2.6

Bids for Supplies, Equipment and Services. No contract for the purchase of supplies, equipment, and services, shall be awarded except in conformance with the provisions of

Chapter 687 of the Acts of 1989, as from time to time amended and supplemented. Copies of all requests for proposals, specifications, advertisements, responses to requests for proposals, and awarded contracts will be filed with the office of the Finance Director who shall cause to be posted in the office of the Town Clerk the name and address of every person who is awarded a contract pursuant to this section. *

NOTE: * Various changes amended by Article 19–D, 2007 ATM

Section 2.2.7

Public Auction of Land. Any land owned by the Town and offered for sale shall be put up for sale at public auction each year subject to the following conditions:

- a. Said land shall not be disposed of with out prior approval by majority vote of the Board of Selectmen, Conservation Commission and Planning Board in joint session.
- b. The sale shall be advertised by posting of notice thereof in each of the post offices of the Town and in the Town Hall at least thirty (30) days in advance of such sale, and by publication of such notice in advance thereof in a newspaper of local circulation for two successive weeks.
- c. All notices and advertisements of a sale under this bylaw shall contain an adequate description of each parcel of land to be sold. In addition to the reference to a recorded deed there shall be a brief description for each parcel together with its approximate area.
- d. For the purposes of this Bylaw, the term "land" shall include any interest in real estate owned by the Town, including but not limited to a condominium or similar unit of individual ownership in a multi-unit structure, including all rights appurtenant thereto.

NOTE: * Various changes amended by Article 23, 2002 ATM

Section 2.2.8

Inspection of Records. Each head of a department, board or standing committee and every person having custody of any public records of the Town of Bourne shall, at reasonable times, permit them to be inspected and examined by any person, under his supervision, and shall furnish copies thereof on payment of a reasonable fee, as provided by Massachusetts General Laws, Chapter 66, Section 10 (a), as amended and supplemented, or on payment of a fee as may otherwise be specifically provided bylaw.

Section 2.2.9

Appointments. All appointments to be made by the Board of Selectmen, and all appointments to be made by the Moderator, shall be made within 45 days after the Annual Town Meeting.

[Deletion of 2.2.10 Power to Contract]*

NOTE: * Various changes amended by Article 21-17, 2002 ATM

Article 2.3 Amendments to Bylaws

Section 2.3.1

Repeal and Amendment. These bylaws may be repealed or amended at any Town meeting, as provided by the General Laws. Notice of any such proposed repeal or amendment shall be given in the warrant calling said meeting.

Article 2.4 Committees

Section 2.4.1

Term of Appointment. The term of appointment to any committee established or to be established by the Town shall not be for a longer period than 3 years, except as otherwise provided in these bylaws or in the General Laws.

Section 2.4.2

Reappointment. Appointive members may be reappointed after the expiration of their terms. No person shall be eligible for reappointment as a member of a committee unless he/she has attended at least seventy-five (75%) of all meetings duly called by the Chairman of the Committee during his/her tenure, or has been excused from attending certain meetings by majority vote of the Committee. Committees shall annually submit an attendance report to the appointing authority.

NOTE: * Various changes amended by Article 13, 2010 ATM

Section 2.4.3

Staggering of Appointments. The term of appointment made to any committee after the adoption of this bylaw shall be so arranged that the terms of all members of a committee do not expire in the same year.

Section 2.4.4

Termination of Committee Membership. Any member of any committee, board or commission absenting himself from four (4) consecutive meetings of the committee, board or commission without rendering any excuse acceptable to the committee, board or commission shall thereby cease to be a member thereof. Vacancies occurring in this or in any other manner shall be reported to the proper appointing authority, and said authority shall appoint a member to fill the unexpired term within a period of forty five (45) days from notification of the vacancy.

Section 2.4.5

Executive Session Minutes. Minutes of Executive Sessions, upon approval of the committee having called the executive session, shall be sealed in an envelope labeled with the name of the committee, date of the Executive Session, and the general reason for calling the Executive Session. Such sealed envelopes shall be promptly filed with the Town Clerk, who shall keep the minutes sealed until such time as the committee provides written notice to the Town Clerk that the purpose of the Executive Session has been resolved. Upon receipt of such notice, the Town Clerk shall unseal the minutes and shall add them to the public minutes of the committee. *

NOTE: * Various changes amended by Article 36, 2007 ATM

Section 2.4.6

Quorums: A quorum of any Town Committee or Board shall consist of a simple majority of the members on that body. *

NOTE: * Various changes amended by Article 30, 2013 ATM

Section 2.5

Article 2.5 Council on Aging

There shall be a Council on Aging in accordance with Chapter 40, Section 8B of the Massachusetts General Laws, as established by the town meeting vote of the town of Bourne, Massachusetts, on March 1969 (Article 2.5 of the Town General By-laws). The name of the organization shall be the Bourne Council on Aging, hereinafter referred to as the Council.

Section 2.5.1

Purpose and Goals. It shall be the purpose of the Council on Aging to carry out programs and services to promote the well-being of the elder population of this community. To accomplish this, the goals are:

- A. To identify the needs;
- B. To educate the community and enlist support and participation of all citizens about their needs;
- C. To design, advocate and/or implement services to fill these needs, or to coordinate existing services;
- D. To cooperate with the Massachusetts Executive Office of Elder Affairs and the programs regarding elders;
- E. To utilize the abilities of the seniors to serve the community and to strive for intergenerational goals;

Section 2.5.2

Council on Aging Advisory Committee - Membership. A Council on Aging Advisory Committee, hereinafter referred to as the Advisory Committee, shall be established for the purposes of advising the Executive Director of the Council on how best to satisfy the purpose and goals listed under Section 2.5.1 of this bylaw.

This Advisory Committee shall consist of from seven to eleven members and two alternates, appointed by the Board of Selectmen for a term of three (3) years, unless the appointment is to fill the unexpired term of a retiring member. As the Board of Selectmen appoints this Advisory Committee, all members are responsible to the Board of Selectmen as stated in the Town of Bourne Charter, as amended. Said terms shall be staggered so that no more than three (3) appointments shall expire in any calendar year. Members may be reappointed. At least five members shall be over the age of sixty (60) at the time of their appointment and all members of the Advisory Committee shall be registered voters of the Town of Bourne.

The Executive Director and/or the Town Administrator may be ex-officio member(s) of the Advisory Committee, as determined by the Board of Selectmen.

Section 2.5.3

Council on Aging Advisory Committee - Meeting Procedures.

- A. Roberts Rules of Order shall be the guide to conducting meetings.
- B. Meetings shall be held on a regular monthly schedule and/or as needed basis.
- C. Special meetings may be called by the chair or at the request of three (3) members.
A written notice shall be given to each member in accordance with the Open Meeting Law.
- D. The annual meeting of the Advisory Committee shall be held at the June meeting at which time officers shall be elected.
- E. A quorum is a majority of the total members (appointed to and sworn in by the Town Clerk) of the Advisory Committee as and is necessary for the transaction of business.

Section 2.5.4

Council on Aging Advisory Committee - Officers and Duties.

- A. The Advisory Committee shall annually elect a chairperson, vice chairperson and a secretary from its membership and shall report the election results to the Town Clerk. Officers are elected at the Annual Meeting.
- B. Upon vacancy of any office, a successor shall be elected by the Advisory Committee at the next regularly scheduled meeting. Any successor shall be made from the current members of the Advisory Committee.
- C. The duties of the officers shall be as follows:
 - 1. Chairperson: Presides at meetings and is the chief executive officer (of this appointed advisory committee) subject to the direction of the members of the Advisory Committee, acts as a spokesman for the Advisory Committee and shall appoint all necessary sub-committees as brought forward, recommended, and deemed necessary by the Advisory Committee.
 - 2. Vice-Chairperson: Presides in absence of Chairperson and performs the Chairperson's functions.
 - 3. Secretary: Is responsible for the minutes of the meetings, recording, and submitting to the office of the Town Clerk, within 7 days after notice of the minutes have been approved.

Section 2.5.5

Executive Director. The Executive Director of the Council on Aging is appointed pursuant to the Town of Bourne Charter as amended. The Executive Director is primarily responsible for the direction and administration of the day-to-day operations of the office of the Bourne Council of Aging. The Executive Director receives advice from the Council of Aging Advisory Committee on programs; but is not responsible to, nor takes mandatory direction from the appointed members of the Council on Aging Advisory Committee. The Executive Director reports to the Town Administrator.*

NOTE: * Various changes amended by Article 16, 2015 ATM

Article 2.6 Burial Lots

Section 2.6.1

Care of Lots. The treasurer may receive deposits in sums of not less than two hundred fifty dollars for the perpetual care and preservation of such burial lots in cemeteries within the limits of the Town as the depositor may specify.

Section 2.6.2

Board of Investment. The Treasurer and the Selectmen shall constitute a board for the investment of moneys deposited for the care of burial lots in cemeteries in the Town.

Section 2.6.3

Income from Deposits. The income from such deposits of such part as maybe necessary shall be applied under the direction of the Treasurer with the approval of the Selectmen to the preservation and care of such burial lots as may be designated by the depositor.

Section 2.6.4

Statements of Deposit. The Treasurer shall include in his report a statement showing the names of the depositors, the amounts received for the care of burial lots, the income therefrom, the amount expended for said purpose and the balance on hand, and such statement shall be printed in the annual report.

Article 2.7 Annual Report

Section 2.7.1

Treasurer's Annual Report. In his annual report, the Treasurer shall state the amount of the Town debt at the end of the preceding fiscal year and the objects for which the debt of the Town was increased during such year, and shall recite the vote under which the money was borrowed.

Section 2.7.2

Assessors' Annual Report. The Assessors shall append to their annual report a table of the valuation including real and personal properties; the rate of taxation; and the amount of money raised.

Section 2.7.3

Town Clerk's Annual Report. The report of the Town Clerk shall include a statement of the births, deaths and marriages in the Town during the year.

Article 2.8 Ambulance Vehicles

Section 2.8.1

Emergency Ambulance Vehicles. The emergency ambulance vehicles shall be under the supervision of the Fire Chief who shall be responsible for their care and maintenance. In case of an emergency requiring immediate medical or surgical care, the Fire Chief, or his designee, shall direct, control, and make such vehicle available for the transportation of ill, injured or disabled persons to the nearest hospital, if deemed advisable. Charges and fees incurred by persons through the use of the ambulance and ancillary emergency services,

shall be established and approved by the Board of Selectmen in accordance with the applicable Medicare reimbursement fee schedule for the Greater Boston Area, as same may be periodically adjusted and recommended by the Fire Chief. *

NOTE: * Various changes by Article 20, 2004 May ATM.

Article 2.9 Due Date and Interest on Unpaid Bills and Charges.

Section 2.9.1

Due Date. Municipal Bills and charges, other than tax bills, shall be due and payable within thirty (30) days of mailing.

Section 2.9.2

Rate of Interest. Unpaid bills and charges accrue interest at the rate of twelve (12%) per annum on the unpaid balance until paid in full.

CHAPTER 3

GENERAL REGULATIONS

Article 3.1 Public Safety and Good Order

Section 3.1.1

Rubbish Permit. No person shall, without written permit from the Selectmen, place or cause to be placed in any public way or square, any dirt, rubbish, wood, timber or other material of any kind tending to obstruct such way or square.

Section 3.1.2

Digging on Public Land. No person shall break or dig up the ground in any public way, square, or other public place in the town, or set up any fence, post, tree, edgestone, pavement in any street, square, or public place in the Town, except as provided in Chapter 85, Section 4 of the Massachusetts General Laws, without a permit from the Selectmen. Violation of this Bylaw shall be subject to a fine of \$150.00 per day.*

NOTE: * Various changes amended by Article 22, 2012 ATM

Section 3.1.3

Littering of Streets and Ways. No person shall throw or sweep into, or place, or drop, or suffer to remain in or on any street or way, any hoops, boards, or other wood with nails projecting therefrom, or nails of any kind, shavings, ashes, glass, hair, manure, rubbish, offal or filth of any kind, or any noxious or refuse liquid or solid substance. Violation of this Bylaw shall be subject to a fine of \$300.00 per day.*

NOTE: * Various changes amended by Article 22, 2012 ATM

Section 3.1.4

Railroad and Auto Overpasses. It shall be unlawful for any person to leap from or swim under railroad trestles or automobile overpasses, except in an emergency or for the making of repairs to the said structures, boats, or other equipment. Any Person violating this bylaw shall be subject to a fine of fifty dollars.

Section 3.1.5

Advertising on Public Ways. No person shall attach any advertisement, placard, or board to any guide post, railings, telephone pole, tree, electric light pole or stones within any public way. Violation of this Bylaw shall be subject to a fine of \$50.00 per day.*

NOTE: * Various changes amended by Article 22, 2012 ATM

Section 3.1.6

Signs. No person shall without authority from the proper officers of the state or of the Town, place, maintain, or display upon or in view of any public way any sign, signal or device in imitation of or resembling an official traffic sign or signal, or which attempts to direct the movement of vehicles, or which hides from view or otherwise interferes with the effectiveness of any lawfully erected traffic sign or signal. The Chief of Police is directed to remove any sign, signal or device erected or maintained in any public way in violation of this section of the bylaw. Violation of this Bylaw shall be subject to a fine of \$50.00 per day.*

NOTE: * Various changes amended by Article 22, 2012 ATM

Section 3.1.7

Nudity. No person while in a state of nudity shall bathe in any of the waters of the Town in a place exposed to public view or in sight of the occupants of any dwelling or other buildings. Any person violating this bylaw shall be subject to a fine of fifty dollars.

Section 3.1.8

Disorderly Conduct. No person shall behave in a disorderly manner, or use any indecent or insulting language in any public place or near any dwelling or other building, or be or remain upon remain upon any sidewalk to the annoyance or disturbance of any other person. Any person violating this bylaw shall be subject to a fine of fifty dollars.

Section 3.1.9

Fires. In case of fire, no person shall interfere with the members of the Fire Department or remove, injure or in any manner disturb the machines, hoses, or equipment of the Fire Department, except as directed by the officer of the Fire Department in command. The Chief of Police, or in his absence some other police officer, shall be present at all fires, for the purpose of enforcing this section of the bylaw. Violation of this Bylaw shall be subject to a fine of \$300.00 per day.*

NOTE: * Various changes amended by Article 22, 2012 ATM

Section 3.1.10

Emergency Vehicle Right-of-Way. Upon the approach of any fire apparatus, police vehicle or ambulance which has its siren or flashing light in operation, each person driving a vehicle on the way shall immediately drive the vehicle to the right side of the way and shall come to a complete stop until the emergency vehicle passes. Violation of this Bylaw shall be subject to a fine of \$300.00 per day.*

NOTE: * Various changes amended by Article 22, 2012 ATM

Section 3.1.11

Operation of Animals on Public Ways. Every person driving or riding an animal on a public way shall conform to, and shall require such animal to conform to the Rules and Orders of the Selectmen with respect to the operation of vehicles upon public ways.

Section 3.1.12

Hitchhiking. No person shall stand in a public way for the purpose of soliciting a ride from the operator of any vehicle not engaged in carrying passengers for hire. Any person violating this bylaw shall be subject to a fine of fifty dollars.

Section 3.1.13

Junk Collection. No person shall go from place to place within the Town, collecting by purchase or otherwise, junk, old metals and second-hand articles, or deal in or keep a shop for the purpose, sale or barter of such articles without a license from the Selectmen.

Section 3.1.14

Junk Sales. Second Hand Dealers, Shops and Pawn Brokers

- a. Permits may be issued by the selectmen to second hand dealers, keepers of shops, pawn brokers, purchasers of junk, old metal, or second hand articles. The second hand dealers include any business that purchases or holds for a loan any second hand item. Items include any precious metals, jewelry, coins, stamps, sports memorabilia, clothing, flatware, household items, electronics, furniture, artwork, tools, construction items, metals, piping, wire or any other item taken in trade, bought or sold with a value of over one cent. The number of permits issued will be determined by the Board of Selectmen. The fee for such licenses will also be determined by the Board of Selectmen.
- b. The maximum allowed monthly rate of interest for loans is set at 3% monthly. The maximum annual rate of interest is set at 36%. The rate of interest cannot vary no matter what the loan amount.
- c. Every person licensed under the preceding section, their employees and agents, shall record every purchase, barter or receipt of any article in a ledger book. Such record shall include the identity of the employee making the transaction. The licensee, its employees or agents will also obtain positive identification of the person from whom the transaction is conducted. Positive identification will include that person's name, date of birth, social security number, copy of a photo I.D. and address. Said transaction will be recorded immediately in the ledger containing the date, detailed item description and the amount paid for or loaned on the item. Each shop will make a copy of their weekly transactions and deliver those copies to the Bourne Police Station. All such shops may be examined at reasonable hours by Constables, or Police Officers from the Town of Bourne. Additionally every shop will make their records available to Law Enforcement personnel from other cities and towns. No licensee shall directly or indirectly purchase or receive by way of barter or exchange, or loan any article to a minor being under eighteen years of age,

unless said minor is accompanied by their legal guardian or parent who shall provide positive identification and whose information shall also be recorded in the ledger book.

- d. Every establishment issued such license shall display their license in a public area of the business for immediate examination by a police officer or agent of the licensing authority. Licenses will display a suitable sign identifying the name and nature of the business which must be clearly visible to all persons passing the establishment during the normal course of business. No article taken as collateral, purchased, or received shall be sold, altered, or offered for sale for a period of thirty days from when it was obtained. No licensee shall permit the purchase sale or receipt of any articles between the hours of 10:00 PM and 7:00 AM.
- e. Any licensee found in violation of the above sections will be fined \$100.00 for the first offense, \$200.00 for a second offense and \$300.00 for a third offense. At any time The Board of Selectmen may review the license status of the licensee for violations of this Section of the Bylaws. If violation(s) are found the Board of Selectmen may suspend or revoke said license.*

NOTE: * Various changes amended by Article 4, October 25, 2010 STM

Section 3.1.15

Trespassing. No person except an officer of the Law in performance of his duties, shall enter upon or remain upon the premises of or looking into the window, door or other aperture of a house or structure, in any manner or upon any person or persons therein. Any person found violating this bylaw shall be subject to arrest without a warrant in accordance with Chapter 276, Section 28 of the Massachusetts General Laws. Any person violating this bylaw shall be subject to a fine of three hundred dollars.

Section 3.1.16

Wells. Every owner of land on which is located any abandoned or active well, cesspool or filter bed shall either provide a cover for such well, cesspool or filter bed, capable of sustaining 300 pounds and well secured, or fill such well, cesspool or filter bed to the level of the ground. Any person violating any provision of this bylaw shall be punished by a fine of not less than \$100.00 nor more than \$500.00.

Section 3.1.17

Hawkers and Peddlers; Door-to-Door Sales

Purpose

This bylaw seeks to regulate the hawking, peddling and solicitation of goods within the Town through the issuance of licenses and imposition of other limitations on such conduct for the purpose of protecting the Town's residents from the disruption of peaceful enjoyment of their residences and from crime and fraud, and further, to allow reasonable access to residents by persons or organizations who wish to lawfully engage in commercial solicitation. This bylaw also seeks to provide residents the ability to verify the identity of those that are legitimately conducting business and to allow those residents who wish to not be interrupted by such sales a mechanism to avoid such encounters.

Definitions

Door-to-Door Sales: The in-person solicitation or sales of goods or services for present or future delivery, including but not limited to magazine subscriptions and financial contributions, by entry upon residential property, including multifamily or duplex residential property, or by soliciting persons located on residential property from a street, sidewalk or other adjacent property, without the prior invitation of the person to be solicited.

Solicitor/Hawker/Peddler: Any person, either principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares, merchandise, or personal property of any nature, either on foot, or on/from any animal or vehicle, for immediate or future delivery, or for services to be furnished or performed immediately or in the future whether or not he or she collects advance payments on such sales.

No Solicitation List: A list of residential addresses in the Town, organized alphabetically by street name, indicating those residential properties placed on the list at the request of the owner or occupant indicating that he or she does not want sales agents to enter his or her property. There shall be no names or other identifiers on this list.

Permit to Solicit and Sell: A permit, issued by the Chief of Police, allowing for the solicitation of contributions or offering for sale of magazine subscriptions or any goods or services of any kind for present or future delivery within the Town of Bourne, as regulated by this bylaw.

Sales Organization: Any entity engaged in the supervision, recruitment, retention or employment of a salesperson or salespersons, including any person or representative thereof.

Salesperson: Any person engaged in door-to-door sales of goods or services for present or future delivery.

General Regulations

No person, organization, hawker or peddler, shall solicit contributions or offer for sale magazine subscriptions or any goods or services of any kind for present or future delivery within the Town of Bourne without first obtaining a Permit to Solicit and Sell issued by the Chief of Police. The fee for such permit shall be \$50.00 and any such permit shall be valid for a period of no more than one hundred twenty (120) days. Anyone conducting Door-to-Door Sales must obtain a Permit to Solicit and Sell and abide by all Door-To-Door Sales Regulations listed in this bylaw. The door-to-door sales of magazines/periodicals shall be in accordance with MGL Chapter 101 Section 34. The Police Department will maintain, in a manner accessible to the public, a current list of all approved and active permits, including the time period for which the Permit to Solicit and Sell is authorized.

Door-to-Door Sales Regulations

1. No salesperson shall engage in door-to-door sales without first receiving a Town of Bourne Permit to Solicit and Sell and must abide by all other regulations under this bylaw.
2. No sales organization shall allow any salesperson to engage in door-to-door sales who has not applied for and received a Town of Bourne Permit to Solicit and Sell.
3. No salesperson shall solicit sales from a person situated within a residential property included on the "No Solicitation List", including any solicitation of such person from a street, sidewalk, or other adjacent property.
4. Each salesperson shall carry a Town of Bourne Permit to Solicit and Sell and display

a company or state issued photo ID at all times while engaged in door-to-door sales and shall display said permit upon request by any police officer or any person present at a residential property where door-to-door sales are solicited.

"No Solicitation" List

A No Solicitation List shall be established and maintained by the Town of Bourne. Residents may submit their property for inclusion on the list without charge by making such request in person at the Police Department or in any other manner as determined by the Chief of Police. Upon approval and issuance of a Town of Bourne Permit to Solicit and Sell, each salesperson shall be provided with the most currently available copy of the No Solicitation List. An updated list shall be made available to the Town Administrator's Office at a regular interval. Once a property is submitted to the town for inclusion on the No Solicitation List, said property shall remain on the list until removal is requested by the current property owner.

Application Requirements

Each hawker/peddler operating in the Town of Bourne, or salesperson performing door-to-door sales activities within the Town of Bourne, must apply individually to the Chief of Police by submitting an application along with a fee of \$50 (per individual applicant). The fee will be used to cover the cost of investigating the facts stated in the application. Each applicant must complete a sworn application in writing at least ten (10) working days prior to the requested starting date for solicitation. The application shall include the following information: name; physical description; date of birth; permanent residential address of applicant; full local address of applicant (if different from residential address); home telephone number; current cell phone number; temporary local address; sales organization information; sales supervisor identity; nature of the business to be conducted; names of manufacturer of source merchandise; proposed method for delivery; duration (not to exceed 120 days) of the hawking/peddling/door-to-door sales activity (including times and days); and make/model/color/registration number of any vehicle(s) used to transport the sales agent or sales materials. The application shall be accompanied by the following: a copy of a current government-issued photographic identification; a copy of the sales organization issued credentials (if applicable); and a statement as to whether or not the applicant has been convicted of any crime listed in the "Investigation and Issuance" section of this bylaw or is a Level 2 or Level 3 Sex Offender required to register with the Massachusetts Sex Offenders Registry Board. A digital photograph shall be taken by the police department at the time the application is filed.

Investigation and Issuance

If after an investigation and review of the facts contained in the Permit to Solicit and Sell application, but in no event more than ten (10) working days after receipt of a fully-completed application, the Chief of Police is satisfied the applicant is of suitable character consistent with the bylaw, the applicant shall be granted a Permit to Solicit and Sell. This Permit to Solicit and Sell shall include identifying information of the salesperson, a description of the authorized solicitation, a photograph of the salesperson, and the expiration date of the permit. Persons engaged in solicitation or peddling as defined in this bylaw must display the Permit to Solicit and Sell while soliciting or peddling and present the permit to any police officer, authorized enforcing agent, or person solicited upon request. The Chief of Police shall refuse to issue a Permit to Solicit and Sell to any organization or

individual whose Permit to Solicit and Sell has been revoked for a violation of this bylaw within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, distribution or trafficking of any controlled substance, or any larceny offense that is a felony, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Chief of Police shall also refuse to grant a Permit to Solicit and Sell to a person who is a sex offender required to register with the Massachusetts Sex Offenders Registry Board and who is finally classified as a Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sexual crimes. The Town shall not make an adverse determination based on criminal history or sex offender status without first notifying the applicant of the potential adverse determination. The Town shall provide the applicant with information regarding the source of the criminal history or sex offender status. The Town shall identify the part of the history which appears to make the applicant unsuitable. The Town shall afford the applicant the opportunity to dispute the accuracy of the criminal history or sex offender status or otherwise present to the Town any mitigating or other circumstances bearing on the history.

Records

The Chief of Police shall maintain all pertinent records of Permits to Solicit and Sell issued and violations recorded.

Exemptions

Nothing in this bylaw shall be construed to impose any license requirement or otherwise restrict or in any way regulate any activity for non-commercial purposes, including, but not limited to, any activity for religious, charitable, civic, or political purpose, regardless of whether such activity includes acts that would otherwise constitute soliciting.

Additionally, in accordance with Massachusetts General Law Chapter 101 Section 17, persons and organizations offering for sale newspapers, religious publications, ice, flowering plants, and such flowers, fruit, nuts, and berries as are wild and uncultivated shall be exempt from paying the Permit to Solicit and Sell fee; however, they must still make themselves known to the Chief of Police and abide by all other regulations in this bylaw.

Violations and Penalties

It shall be the duty of any police officer of the Town to require any person seen soliciting or peddling and who is not known by such officer to be duly licensed, to produce his or her Permit to Solicit and Sell and to enforce the provisions of this bylaw against any person found to be violating the same. Police officers shall utilize the Town's Non-Criminal Citation for issuing any violations of this bylaw. Any violation of a provision of this bylaw shall be punished by a fine of three hundred dollars (\$300). Each day on which a violation exists shall be deemed to be a separate offense. Upon the occurrence of a second or subsequent violation of this bylaw by any salesperson, the Chief of Police may request a hearing before the Board of Selectmen for the purpose of determining if two or more violations of this bylaw occurred. If the Board of Selectmen makes such a determination, they may utilize the hearing to decide if the salesperson's or organization's Permit to Solicit and Sell, should be suspended or revoked for a determined period of time. The salesperson and sales

organization being reviewed will be provided with fourteen (14) days written notice prior to any such hearing. A Permit to Solicit and Sell may be suspended immediately by the Chief of Police, without notice or hearing, if the public safety or welfare so requires for any of the following: fraud, misrepresentation, or false statement contained in the Permit to Solicit and Sell application; fraud, misrepresentation, or false statements made in the course of carrying on the business of solicitation; any violation of this bylaw; conviction of any crime listed in the "Investigation and Issuance" section of this bylaw or classification as a Level 2 or Level 3 Sex Offender; conducting the business of soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to health, safety, or the general welfare of the public; and, high-pressure tactics, harassment, or a failure to accept a refusal as an answer. If a Permit to Solicit and Sell is suspended or revoked under the provisions of this section, notice of a hearing with regard to the same shall be given forthwith in accordance to the "Appeals and Hearings" section of this bylaw.

Appeals and Hearings

Any person or organization who is denied a Permit to Solicit and Sell may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within five (5) days after receipt of the notice of denial. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal. If the notice of appeal is received by the Board of Selectmen less than 72 hours before their next meeting, the appeal may be scheduled for the following meeting. Saturdays, Sundays, and legal holidays shall not count towards this 72 hour period. If the Board of Selectmen fails to make a determination regarding a denial of a Permit to Solicit and Sell within thirty (30) days after receiving the notice of appeal, the Permit to Solicit and Sell shall be deemed granted.

A notice of hearing for revocation or suspension of a Permit to Solicit and Sell shall be given forthwith in writing, setting forth specifically the grounds of the complaint and a time and place of the hearing. Such notice shall be hand delivered to the licensee or forwarded by certified mail to the licensee at his or her last known address at least five days prior to the hearing date. If the Board of Selectmen fails to make a determination regarding a suspension or revocation of a Permit to Solicit and Sell within thirty (30) days after a licensee receives notice, the Permit to Solicit and Sell shall be deemed reinstated.

Expiration

All Permits to Solicit and Sell in the Town are valid only for the particular dates specified thereon, and in no case, for longer than 120 days.

Severability

The invalidity of any portion(s) of this bylaw shall not invalidate any other portion, provision or section thereof.

NOTE: * Various changes amended by Article 16, 2021 ATM

Section 3.1.18

Interference with Police. Whoever willfully obstructs, interferes with or hinders a police officer in the lawful performance of his duty shall be punished by a fine as provided in Chapter 6 of these bylaws. Violation of this Bylaw shall be subject to a fine of \$300.00 per day.*

NOTE: * Various changes amended by Article 22, 2012 ATM

Section 3.1.19

Possession of Alcohol. It shall be unlawful for any person who is not at least twenty-one years old to consume or have in his or her possession alcoholic beverages on public highways or in vehicles thereon or in public places. Any person violating this bylaw shall be subject to a fine of three hundred dollars.

Section 3.1.20

Consumption of Alcohol. It shall be unlawful for any person to consume alcoholic beverages on public highways in vehicles thereon or in public places which are not licensed for such purposes or for any person other than a duly licensed distributor, wholesaler, or other duly licensed person to carry alcoholic beverages into an establishment duly licensed under Massachusetts General Laws Chapter 138. Any person violating this bylaw shall be subject to a fine of three hundred dollars.

Section 3.1.21

Camping. No person shall set up on property, public or private, without permission of the owner thereof, or without the permission of the officer, officers or board in control of such property, a camp, tent, trailer, mobile home or so-called "camper", or sleep in the open on any property, public or private, without such permission, within the limits of the Town of Bourne. Any person found violating this bylaw and who refuses to vacate the premises upon the lawful request of a police officer, owner or other person in control of such property shall be subject to arrest in accordance with Chapter 272, Section 59 of the Massachusetts General Laws as amended. Any person violating this bylaw shall be subject to a fine of fifty dollars.

Section 3.1.22

Loitering. No person shall saunter or loiter on a street or sidewalk in such a manner as to obstruct others. However, this section shall not be construed to curtail, abridge, or limit the right of any person to exercise the right of peaceful persuasion guaranteed by Chapter 149, Section 24 of the Massachusetts General Laws, or to curtail, abridge, or limit the intent of any statute of the Commonwealth of Massachusetts. Violation of this Bylaw shall be subject to a fine of \$50.00 per day.*

NOTE: * Various changes amended by Article 22, 2012 ATM

Section 3.1.23

Disturbances.

- a. It shall be unlawful for any person or persons occupying or having charge of any building or premises or any part thereof, or any vehicle in the Town, other than that

section of any establishment licensed under Chapter 138 of Massachusetts General Laws, to cause or suffer or allow any unnecessary, loud, excessive or unusual noises in operation of any radio, phonograph or other mechanical sound-making device or instrument, or reproducing device, or in the playing of any band, orchestra, musician, or group of musicians, or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noises, or loud and boisterous singing by any person or groups of persons, or in the use of any device to amplify the aforesaid noises where the noise is plainly audible at a distance of one hundred and fifty feet from the building, structure, vehicle or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of one hundred and fifty feet from which the vehicle or premises from which it originates shall constitute prima facie evidence of a violation of this bylaw. Any person violating this bylaw shall be punished by a fine of not more than fifty dollars for each offense.

- b. It shall be unlawful for any person or persons being present in or about any building, dwelling, premises, shelter, boat or conveyance or any part thereof, other than that section of any establishment licensed under Chapter 138 of the General Laws, who shall cause or suffer or countenance any loud, unnecessary, excessive, or unusual noises, including any loud, unnecessary, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound-making device, or instrument or reproducing device or instrument or in the playing of any band, orchestra, musician, or group of musicians, or the making of loud outcries, exclamations or other loud or boisterous noises, or loud and boisterous singing by any person or group of persons, or in the use of any device to amplify the aforesaid noise where the aforesaid noise is plainly audible at a distance of one hundred and fifty feet from the building, dwelling, premises, shelter, boat or conveyance in which or from which it is produced. The fact that the noise is plainly audible at a distance of one hundred fifty feet from the premises from which it originates shall constitute prime facie evidence of a violation of this bylaw. Any person shall be deemed in violation of this bylaw who shall make or aid, or cause, or suffer, or countenance, or assist in the making of the aforesaid and described improper noises, disturbance, breach of the peace or a diversion tending to a breach of the peace, and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of this bylaw shall constitute prima facie evidence that he is a countenancer to such violation. Any person violating this bylaw shall be subject to a fine of fifty dollars.

Section 3.1.24

Mechanical Protection Devices.

- a. It shall be unlawful to install a mechanical protection device that is automatically keyed to and/or activates the telephone (numbers) lines controlled by and/or listed to the Bourne Police Department; all such devices installed before the effective date of this section shall be defined as: An electrically operated instrument composed of sensory apparatus and related hardware which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice alarm upon

receipt of a stimulus from the sensory apparatus that has detected a physical force or condition inherently characteristic of a fire or unauthorized intrusion.

- b. No person or business shall have an alarm system that notifies the Bourne Police Department by means of a dedicated or a non-dedicated telephone line, recorded device, or other means (hereinafter referred to as a "monitored system"), without first completing an alarm application form prescribed by the Chief of Police or his designee.
- c. An alarm system for either a residential or a commercial building that utilizes and audible device that is detectable outside of the building, shall be equipped with an automatic shut-off that will silence the audible device after no more than thirty (30) minutes of the activation of the alarm system.
- d. The activation of a monitored system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or his employees or agents or the activation of a monitored system requiring or resulting in a response on the part of the Police Department when, in fact, there has been no unauthorized intrusion, robbery, burglary or attempt as same shall be deemed a false alarm. A fine for violations of this bylaw may be assessed against the owner or tenant of the residence or place of business. A user of an alarm system who has recorded more than three (3) false alarm within a calendar year shall be subject to a fine of fifty (\$50.00) dollars for each false alarm commencing with the fourth such occurrence. Upon a seventh false alarm the fine will increase to one hundred (\$100.00) for it and each subsequent occurrence, or take any action in relation thereto.

NOTE: * Various changes by Article 13, 2011 May ATM.

Section 3.1.25

Beach Rules and Regulations. The use of Town operated bathing beaches and facilities shall be subject to the following rules and regulations:

- a. Lifeguards and police officers of the Town shall enforce the rules and regulations pertaining to the beaches of the Town of Bourne.
- b. No person shall interfere with or resist a lifeguard in the discharge of his duties.
- c. No child under nine years of age, unless accompanied by a person over fourteen years of age, shall be permitted in the water at the beach.
- d. Animals of any kind shall not be brought upon a beach nor be permitted thereon except as provided in 3.1.29 Licensing and Control of Dogs.
- e. Fishing, boating or water skiing within one hundred and fifty feet of a bathing facility is prohibited.
- f. Swimming beneath town rafts or piers and their extensions is prohibited.

- g. Fires or charcoal grills are prohibited.

The Board of Selectmen may adopt further rules and regulations in accordance with the Massachusetts General Laws, particularly Chapter 40, Section 12. Any person violating this bylaw shall be subject to a fine of fifty dollars.

NOTE: * Various changes by Article 28, 2011 May ATM.

Section 3.1.26

Yard, Garage and/or Barn Sales.

- a. Such sales are defined as the sale, or offering for sale, ten (10) or more items of personal property at any one residential premise at any time; excluding such sales as may be conducted by a bona fide charitable organization, religious or fraternal society or other tax exempt organization.
- b. Unless specific written authorization is given by the Board of Selectmen, not more than two (2) such sales shall be held on anyone residential premises in each calendar year nor more than one (1) such sale in any period of three (3) consecutive months, and any such sale shall not continue for more than two (2) consecutive days.
- c. As a condition precedent to any such sale, written permission for the holding of said sale must be secured from the Board of Selectmen at least three (3) days prior thereto.
- d. Violation of this Bylaw shall be subject to a fine of \$50.00 per day.*

NOTE: * Various changes amended by Article 22, 2012 ATM

Section 3.1.27

Use of Vehicles on Public Land. No person, without permission or lawful authority, shall enter upon public land of the Town of Bourne other than the public ways and established ways, whether or not such land be posted against trespass, if in so entering such public land such person makes use of or has in his immediate possession or control any vehicle, machines, or device which includes an internal combustion engine or other source of mechanical power. This Section may be enforced by Police or Natural Resource Officers in accordance with the non-criminal violation procedures as outlined in Section 6.1.2 of the Town Bylaw and any person found to be violating the provisions of this bylaw shall be subject to a fine of \$300.00.

Section 3.1.28

Temporary Repairs of Private Ways. The Town may make temporary repairs on private ways which have been open to public use. Such repairs shall include the filling of holes in the subsurface of such ways and repairs to the surface materials thereof and installation and construction of drainage, if deemed necessary by the Highway Surveyor. Materials for such repairs shall, where practical, be the same, or similar to, those used for the existing surfaces of such ways, and may include construction, surfacing or resurfacing of such ways with bituminous materials. Said repairs shall be undertaken only if petitioned for by the

abutters who own at least 50% of the lineal footage of such way and only if the Board of Selectmen shall declare that said repairs are required by the public necessity and convenience. The cost of such repairs shall be paid by the abutters by a cash deposit or by betterment assessment as hereinafter provided, and no work shall commence unless and until such cash deposit in the amount of the estimated cost of such repairs as determined by the Highway Surveyor to do the work is paid over to the Town or the Board of Selectmen have made a determination that betterments will be assessed. If the Selectmen determine that betterments will be assessed, the Selectmen shall assess betterments upon the owners of estates which derive particular benefit or advantage from the making of such repairs on any such private way. Such assessment shall be a sum equal, in the aggregate, to the total cost of such repairs and, in the case of each such estate, in proportion to that frontage thereof of such way. Except as otherwise provided, the provisions of Chapter 80 of the General Laws relating to public improvements and assessments therefor shall apply to repairs to private ways ordered to be made under this section; provided, that no assessment amounting to less than twenty-five dollars shall be apportioned and no assessment may be apportioned into more than five portions. Before any work commences, the Town shall be held harmless on account of any damages whatever caused by such repairs by agreements executed by the abutters who petitioned therefor.

NOTE: * Added by Article 55, 1978 ATM

Section 3.1.29

Licensing and Control of Dogs.

- a. Licensing Provisions. Except as may otherwise be provided bylaw, all owners or keepers of dogs over six (6) months of age within the Town of Bourne must obtain from the Town Clerk between January 1st and June 30th for each year, an annual dog license and pay an annual license fee to the Town as required bylaw. * The owners or keeper of a dog licensed pursuant to this section shall cause the dog to wear around its neck a collar to which shall be securely attached a tag issued by the Town Clerk, and if any such tag shall be lost, the owner/keeper of such dog shall forthwith secure a substitute tag from the Town Clerk. Any person found violating the licensing provision of this section shall be subject to a fine of \$50.00. *

NOTE: * Various changes amended by Article 13, 2005 October 17, 2005 STM

NOTE: * Various changes amended by Article 18, 2006 ATM

- b. Control Provisions. (Leash Law) It shall be unlawful for any owner or keeper of a dog or dogs to allow such dog(s) to be outside the property of the owner or keeper unless such dog(s) is securely restrained with a collar and leash and under the direct control and supervision of the owner/keeper or his or her duly authorized agent with the following exceptions:
 1. Unleashed dogs may be on the premise of another person with the knowledge and permission of such other person.
 2. The leash law requirement shall not apply to those persons that are training or using hunting dogs provided that said dog(s) are under voice control and under

the direct supervision of the owner/keeper or duly authorized agent while being used for this purpose.

Any person found to be in violation of the provisions stated herein shall be subject to a fine of fifty dollars (\$50.00).

- c. Removal of Excrement. It shall be unlawful for any person to appear with a dog upon the public ways, within public places or upon the property of another, absent that person's consent, without some means of removal of excrement; nor, shall any person fail to remove any excrement deposited by such dog. This section shall not apply to a blind person while walking his or her guide dog. Any person found to be in violation of this provision shall be subject to a fine of twenty-five dollars (\$25.00).
- d. Dogs on Bathing Beaches. It shall be unlawful for any person to allow their dog(s) on any public beach. A public bathing beach is defined as a Town owned beach. This section shall not apply to a service dog. The definition of a service dog is a dog individually trained to assist the handler to perform tasks for the benefit of an individual with a disability, including but not limited to guiding individuals with impaired vision, alerting hearing impaired, or other assistance. This section will be enforced from May 1 until October 15. Any person found to be in violation of this provision shall be subject to a fine of \$25.00.
- e. Non-Criminal Violation Procedure. The non-criminal violation procedures of Section 6.1.2 of the Town of Bourne Bylaws maybe used for the enforcement of the provisions of this Bylaw.
- f. Dog Licensing Fees. Fees for licensing of dogs shall be as follows:

Spayed Female/Neutered Male	\$7.00
Male Dog	\$10.00
Female Dog	\$10.00
Duplicate License	\$1.00
Certified Guide Dogs	No Fee

On or before June 15 of each year, the Town Clerk shall notify the owner or keeper of record of any unlicensed dog of the requirement to license the dog. Any owner or keeper who fails to obtain a license by June 30 of each year shall be subject to an additional charge of \$5.00 for any dog licensed after June 30. This subsection shall be enforced by any Dog Officer or any Police Officer of the Town.

NOTE: * Various changes amended by Article 1, 2005 October 17, 2005 STM

- g. Kennel License.
 - 1. The owner or keeper of a dog kennel within the Town of Bourne must be renewed annually by January 1st of each year.
 - 2. Annual Fee
Each license for a kennel shall be \$50.00 if four (4) dogs or less are kept in said

kennel; \$75.00 if more than four (4) but not more than nine (9) dogs are kept in said kennel; \$150.00 if ten (10) or more are kept in said kennel.

3. Substitute Kennel License Tag

The fee for a substitute kennel license tag shall be \$1.00.

4. Charitable Kennels

The Town Clerk shall, upon application, issue without charge a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, abuse and/or for the relief of suffering among animals.

5. Requirements

Any owner or keeper of four (4) or more dogs three (3) months of age or older shall be required to obtain a kennel license. Said license shall be issued upon approval of written application for a Special Permit submitted to the Zoning Board of Appeals.

6. Inspection

The applicant must allow the Animal Control Officer or his designee to inspect the kennel being licensed upon initial application and renewal. The kennel must pass inspection by the Animal Control Officer prior to the issuance or reissuance of the license.

7. Violations

Any owner or keeper of four (4) or more dogs three (3) months of age or older who fails to obtain the above described kennel license shall be considered in violation of the provisions of this section and shall be subject to a fine of fifty dollars (\$50.00) for the first offense and seventy-five (\$75.00) for each subsequent offense, with each day of violation constituting a separate offense.

This section shall be enforced by the Animal Control Officer or his designee.
Or take any other action in relation thereto. *

NOTE: * Various changes amended by Article 21, 2017 May 1, 2017 ATM

h. Vaccination against Rabies. Whoever is the owner or keeper of a dog in the Town of Bourne, six (6) months of age or older, shall cause such dog to be vaccinated against rabies by a licensed Veterinarian. Such rabies tag, issued by the Veterinarian shall be affixed to the collar of said dog. The owner/keeper of the dog shall present certification of rabies vaccination upon demand of a Dog Officer, Natural Resources Officer, Police Officer, or any other authorized Officials of the Town. Any violation of the provisions of this section shall be subject to a fine of fifty dollars (\$50.00) for each offense. *

i. Barking/Howling Nuisance. No person owning, keeping, or otherwise responsible for a dog, shall allow or permit said dog to annoy another persons reasonable right to peace or privacy by making a loud noise, where such noise is plainly audible at a distance of one hundred fifty (150) feet from the building, premises, vehicle or conveyance housing said dog, and such noise

is in excess of ten (10) minutes. The fact that such noise is plainly audible at said distance in excess of ten (10) minutes shall be prima facie evidence of a violation. Any violation of the provisions of this section shall be subject to a fine of fifty dollars (\$50.00) for each offense. *

j. Banned or Removed Dogs. Dogs “banned” or “removed” from another Town or Municipality may not be relocated to or permitted to be kept within the Town of Bourne. *

k. Cruelty and Negligence. It shall be unlawful to abuse any animal; deprive it of food, drink, shelter, a sanitary environment, or protection from the weather or otherwise inflict cruelty as set forth in Chapter 272, Section 77 of Massachusetts General Laws. Any violation of the provisions of this section shall be subject to a fine of fifty dollars (\$50.00) for each offense. *

NOTE: * Various changes amended by Article 2, 2005 October 17, 2005 STM

NOTE: * Various changes amended by Article 18, 2006 May 8, 2006 ATM

NOTE: * Various changes amended by Article 21, 2014 May 5, 2014 ATM

Section 3.1.30

Fees for Certain Licenses Regulated. The following license fees are hereby established under authority of Chapter 351 of the Acts of 1981.

Club Food and Beverage (non-alcoholic)	\$10.00
Lunch Carts	\$100.00
Shooting Galleries	\$20.00
Pawnbrokers	\$100.00
Automatic Amusement Device	\$75.00
Fortune Telling	\$50.00
Storage of Explosives, Etc.	\$500.00
Gasoline Storage Removal or Relocation	\$100.00
Fireworks Display	\$25.00

Section 3.1.31

Blocking Fire Hydrants and Fire Department Connections. It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections that are located on public or private streets and access lanes, or on private property. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the fire official shall proceed to remove the same. Cost incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the fire official and with the approval of the chief administrative official and the legal authority of the municipality shall institute appropriate action for the recovery of such costs. Anyone who refuses to remedy the situation after notification by the Police shall be subject to a fine of \$300. *

NOTE: * Various changes amended by Article 19, 2012 ATM.

[Eliminated former 3.1.31 Residency Bylaw requiring all Public Safety Personnel to live within the Town of Bourne]*

NOTE: * Various changes amended by Article 27, 2001 Nov STM.

Section 3.1.32

Fees for False Alarms. A fee of \$100.00 per false alarm or fire alarm system malfunction after the first two false fire alarms or system malfunctions in any fiscal year shall be payable to the Town by the users tied directly into the Town fire alarm system or through a central station connection.

Section 3.1.33

Handicapped Parking Regulations.

- a. Requirements for Handicapped Parking Spaces. Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing special parking identification plate authorized by Section 2 of Chapter 90, or for any vehicle bearing the official identification of a handicapped person issued by any other state, according to the following formula:

<u>Total Spaces</u>	<u>Required HP Spaces</u>
1-25	1 Space
26-40	5% but not less than 2 spaces
41-100	4% but not less than 3 spaces
101-200	3% but not less than 4 spaces
201-500	2% but not less than 6 spaces
501-1000	1.5% but not less than 10 spaces
1001-2000	1% but not less than 15 spaces
2001-5000	.75% but not less than 20 spaces
5001-	.50% but not less than 30 spaces

- b. Sign Requirements for and Location of Handicapped Parking. Each parking space designated as reserved under the provisions of Section 1 of this Article shall be identified by a permanently installed above-grade sign located at height of not less than five feet and not more than eight feet to the top of the sign, with white lettering against a blue background and shall bear the words "Handicapped Parking, Special Plate Requirement, Unauthorized Parking Subject To Fine & Towing at Owner's Expense", and must also contain the international symbol of accessibility which is a person in a wheelchair. Such parking spaces shall be as near as possible to an accessible building entrance or walkway, shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person, shall be twelve feet wide and/or have two eight-foot-wide areas with four feet of cross-hatch between them and shall contain the International Symbol of Accessibility on their surface. However, on unpaved lots, parking spaces shall be designated only by the sign as defined in this section. Where the designated parking space cannot be located within two hundred (100) feet of an entrance accessible to the physically

handicapped, a drop off area accessible to the physically handicapped shall be provided within one hundred (100) feet of such entrance.

- c. Regulation of Unauthorized Vehicle in Handicapped Space. The leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons or in such a manner as to obstruct a curb ramp shall be prohibited and subject to a fine of \$300.00 and removal of unauthorized vehicle according to the provision of Section 22D of Chapter 40. This provision shall be enforced by the Police Department.
- d. Implementation Date. The provisions of this Bylaw shall take effect on November 1, 1988.

Section 3.1.34

Sidewalk Sales

- a. No person or business shall conduct a sidewalk sale or offer goods or items of personal property for sale on any public sidewalk, or street, without first obtaining a permit granted by the Board of Selectmen.
- b. The Board of Selectmen may deny any such request for a permit, or they may grant same with any appropriate conditions that they may establish, including but not limited to the date, time, hours of operation and location of any such sidewalk sale.
- c. Violation of this Bylaw shall be subject to a fine of \$100 for the first offense and \$300 for each subsequent offense.*

NOTE: * Various changes amended by Article 24, 2002 ATM

NOTE: * Various changes amended by Article 26, 2012 ATM

Section 3.1.35

Motor Vehicle Junkyard

- a. This bylaw is adopted pursuant to the authority granted to the Town in accordance with M.G.L. Chapter 140, Section 59.
- b. The Board of Selectmen shall be the licensing authority for the granting of a motor vehicle junkyard license. They shall establish such application forms and procedures as necessary for this purpose.
- c. A motor vehicle junkyard is any establishment or business which is maintained, operated, or used for the storing, buying or selling of scrapped or junked used motor vehicles, including the selling to the public of any parts taken therefrom. Included in this definition is any person or business holding or required to hold a motor vehicle junk license know as Class III license under the terms of M.G.L. Chapter 140, Sections 58 and 59.
- d. The Board of Selectmen, prior to the original issuance or renewal of any license as provided herein, shall determine that the premises proposed to be used for this purpose are suitable, and said use will be in compliance with all applicable laws and

regulations of the Commonwealth and the Town, including but not limited to, laws and regulations concerning zoning, protection of Water Resource Districts, and protection against the generation of hazardous waste and materials. However, no consideration of zoning regulations shall be used to deny a license to an applicant whose junkyard business was validly in existence as of May 13, 2002 and which is otherwise found suitable.

- e. The Board of Selectmen, or their duly designated representatives, shall have the right to enter and inspect the premises of any applicant or holder of a license for a motor vehicle junkyard, at any time, for the purpose of carrying out their duties and responsibilities as set forth herein, all as provided by M.G.L. Chapter 140, Section 66.
- f. The Board of Selectmen may enforce this Bylaw by all appropriate means, including the right to revoke any license issued under M.G.L. Chapter 140, Section 59 in accordance with the procedures set forth therein, as well as seeking such other legal and equitable relief as may be necessary under the circumstances.
- g. This Bylaw shall become effective on the 61st day after it has been approved by the Attorney General. The Board of Selectmen shall forthwith send written notice of the approval and effective dates, with a copy of this Bylaw, to all present holders of a Class III motor vehicle Junk License.
- h. Violation of this Bylaw shall be subject to a fine of \$300.00 per day.*

NOTE: * Various changes amended by Article 21, 2012 ATM

Section 3.1.36

Licensing Authority

In any provision of Chapter 3.1 of these bylaws, entitled Public Safety and Good Order, wherein it is provided that the licensing authority is the Board of Selectmen, said authority may be delegated by the Board of Selectmen to the Town Administrator by a vote of the Board of Selectmen in accordance with Section 5-2 of the Town Charter. Said delegation shall be for an indefinite period of time, however, said delegation may be revoked at any time thereafter, by a subsequent vote of the Board of Selectmen, as they shall so determine. *

NOTE: * Various changes amended by Article 24, 2002 ATM

NOTE: * Various changes amended by Article 18, 2003 ATM

Section 3.1.37

Layout and Acceptance of Private Ways

- a. The layout and acceptance of any private way shall be in accordance with all applicable provisions of the Massachusetts General Laws, including Chapter 80 and 82 thereof.
- b. The Board of Selectmen shall not recommend to Town Meeting acceptance of any

layout of a private way unless seventy five percent (75%) of the owners of the abutting property have agreed in writing to accept and pay the cost estimated to be apportioned to each abutter, or unless the Selectmen shall determine by a four-fifths vote of their Board that a compelling public necessity exists for the acceptance of a particular private way.

- c. No betterments shall be assessed to said abutters until after the acceptance of a road layout has been approved by the Town Meeting, nor for any private way that already has been accepted by the Town, prior to the approval of this Bylaw.
- d. The Town Meeting may levy betterments or costs in whole or in part, to meet and pay the expenses incurred to layout, accept, and to construct or reconstruct any private way as a public way in accordance with standards as established by the Town. The owners of land which abuts on said private way shall pay a proportional part of the whole of the cost based upon said lands primary frontage. The primary frontage of a corner lot shall be the frontage having the greater length. The length of the frontage of corner lots having a rounded street line shall be measured along the street line from the property line to the point of curvature, plus the curve radius or tangent distance, whichever is less.
- e. The payment, collection, and assessment of all betterments due pursuant to this Bylaw shall be under the general jurisdiction of the Board of Selectmen and the appropriate Town Officials so designated and as set forth in the applicable provisions of the Massachusetts General Laws.

NOTE: * Various changes by Article 21, 2004 May ATM.

Section 3.1.38

Video Poker Machines/Slot Machines.

- a. This Bylaw is adopted pursuant to the authority granted to the Town in accordance with Massachusetts General Laws, Chapter 140, Section 177A, as amended from time to time.
- b. The Licensing Authority of the Town of Bourne shall not grant or issue a license for any automatic amusement device, or game of chance which presents a risk for misuse as a gaming device to those establishments which are licensed under Chapter 138. For the purpose of this Bylaw, automatic amusement devices and games of chance are those devices, which simulate actual gaming devices, and/or games which involve matching of random, number combinations, including those known as video poker or slot machines.
- c. The Board of Selectmen, as the licensing authority, may enforce this Bylaw by all appropriate means, including the right to revoke or suspend any and all licenses granted by the Town of Bourne, including but not limited to, those licenses granted through Massachusetts General Laws Chapter 138.
- d. All licenses for automatic amusement devices granted by the Town of Bourne, shall

be subject to inspection by the Bourne Police Department to insure conformance with submitted application information and other local rules, regulations and or Bylaws. Any unlicensed automatic amusement devices shall be subject to immediate seizure by the Bourne Police Department.

NOTE: * Various changes by Article 23, 2004 May ATM.

Section 3.1.39

Personal Motorized Vehicle Regulations.

- a. As used in this section, a "Personal Motorized Vehicle"(PMV) shall mean any wheeled device that is used primarily for human transportation, and shall include any device that has handlebars, is designed to be stood or sat upon by the operator and is powered by an electric, gasoline (or other petroleum based products), or alcohol fueled motor that is capable of propelling the device with or without human propulsion. Exempt from the provisions of this Bylaw are:
 - i. Devices used by handicapped individuals.
 - ii. Devices used by landscapers and farmers, as used in their profession
 - iii. Devices regulated by the Commonwealth of Massachusetts Department of Motor Vehicles, i.e.; Moped's
 - iv. Devices used bylaw Enforcement personal
 - v. Devices used by any State or Federal agencies
- b. PMV's shall not be operated upon any way, or in any place which the public has right of access as invitees or licensees within the Town of Bourne, except as expressly provide bylaw.
- c. No Person shall operate, or permit to be operate, a PMV upon any sidewalk, public property, off street public recreational area, school property, playgrounds, parks and beaches.
- d. Whenever a police officer observes any person in violation of any section of this regulation, he or she may detain such person, for the purposes of the enforcement of these regulations, and may remove such PMV to a secure area pending disposition of such property by court order, or otherwise bylaw.
- e. Any person who violates any section of this regulation shall be subject to a fine of \$100 dollars for the first offense and \$200 dollars for the second and subsequent offenses.

NOTE: * Various changes amended by Article 14, 2004 Nov STM

Section 3.1.40

Public Consumption or Use of Marijuana

- a. No person, whether in or upon a vehicle, motor vehicle, conveyance, or on foot, shall burn, smoke or otherwise use or consume marijuana or tetrahydrocannabinol

(as defined in MGL Chapter 94C; Section 1, as amended) while in or upon any area owned by or under the control of the Town, including but not limited to, any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school, school grounds, cemetery, or parking lot; or in or upon any place to which the public has a right of access as invitees or licensees.

- b. Any marijuana or tetrahydrocannabinol burned, smoked, ingested, or otherwise used or consumed in violation of this by-law shall be seized, held and disposed of in accordance with MGL Chapter 94C; Section 47A.
- c. Whoever is found in violation of this by-law shall, when requested by an official authorized to enforce this by-law, state his true name and address to said official.
- d. This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to MGL Chapter 40; Section 21, or by non-criminal disposition pursuant to MGL Chapter 40; Section 21D by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer.
- e. The fine for a violation of this by-law shall three hundred dollars (\$300.00) for each offense. A penalty imposed under this by-law shall in addition to any civil penalty imposed under MGL Chapter 94C: Section 32L.

NOTE: * Added by Article 9, 2009 STM

Section 3.1.41

Police Details

a. Police Traffic Details

- 1. The Chief of Police or his or her designee shall have the authority to require police traffic details where the passage or flow of pedestrian or vehicle traffic will be impeded, delayed, disturbed, backed-up or rerouted on any public way, alley, highway, lane, court, public square, public place, or sidewalk in the Town of Bourne, and/or where the safety, health and welfare of the general public is concerned.
- 2. Any establishment, entity or individual operating under a license, and any individual or private entity which produces and operates an event, within the Town of Bourne whose event or operation affects traffic flow in a manner as described in paragraph 1. Above, shall procure at his or her own expenses police details furnished by the Bourne Police Department as the Chief of Police or his or her designee may require in his or her reasonable discretion and shall pay such officers at the prevailing rate.
- 3. The Chief of Police shall adopt a written criteria consistent with law and these Bylaws for the government, disposition and applicability of this bylaw, including,

without limitation, for determining when the safety, health and welfare of the general public is affected by pedestrian and/or traffic flow, and the process to be implemented for procurement of such details.

b. Police Protection Required at Certain Gatherings

The owner, lessee, occupant or person in charge of a public hall, which for the purposes of this Section shall include, but not be limited to, any restaurant, night club, function hall, entertainment or sporting venue or arcade who leases, rents, causes or permits use of such public hall for compensation or otherwise for the purposes of public or private entertainment, at which alcoholic beverages are served or consumed, whether or not such alcoholic beverages are sold, whether or not an admission fee is charged; or public gatherings of any description whether or not an admission fee is charged, and where the safety and general welfare of the public, fans or participants is concerned, for any group of two hundred persons or cumulative group of three hundred and twenty-five persons or more shall file an application for Police Detail and cause to be in attendance a number of Bourne Police Officers as determined by the Bourne Police Chief to be necessary.

Application for a police detail shall be made to the Bourne Police Department not less than seventy-two hours before the holding of an event requiring such application. Applications shall be in a form approved by the Police Chief, and payment for the Police detail shall be made at a rate of pay established by the Chief or by collective bargaining agreement.

Group definition – individual party of 200 people.

Cumulative group - This is applicable to businesses holding multiple separate functions. When individual parties of 5 people or more in the same business constitute a group gathering of 325 persons or greater the detail requirement goes into effect.*

NOTE: * Various changes amended by Article 23, 2012 ATM

Section 3.1.42

Unregistered Vehicles

- a. No person shall permit more than one unregistered motor vehicle or trailer or major part thereof, except for farm vehicles, to remain ungaraged on any lot owner, occupied or controlled by him/her at any time, unless under a Class 1 or Class 2, or Class 3 license for sale of Motor Vehicles authorized by the Board of Selectmen, or a Department of Public Utility Towing permit. In no event shall an unregistered motor vehicle or trailer or parts thereof, be stored in a front yard, or in the case of a corner lot, in any visible side or rear yard.
- b. This Bylaw shall be administered by the Chief of Police. Any person violating any of the provisions of this bylaw shall be fined one hundred dollars (\$100.00) for each offense, and each day of violation shall be considered a separate offense.*

NOTE: * Various changes amended by Article 32, 2012 ATM

Section 3.1.43

Downtown Blight and Vacant Building

- a. Purpose and Intent:** The purpose of this bylaw is to help to protect the health and welfare of the residents of the Town of Bourne and to help promote Bourne's Downtown by preventing and eliminating blight. The existence of blighted or abandoned properties impacts property values and affects the reputation and neighborhood integrity.
- b. Applicability:** This bylaw applies to all blighted buildings, structures or parcels of land occupied, vacant or abandoned in the Downtown Zoning District as defined in the Town of Bourne Zoning Bylaw Section 2812, excluding the Downtown Neighborhood district (DTN).
- c. Definitions:** For the purpose of this section the following words, terms and phrases shall have the following meanings:
 - 1. Blighted:**
Shall mean any building, structure or parcel of land that contributes to unsanitary or unsafe conditions and is detrimental to the public health, safety, or welfare, prevents economic growth, or causes devaluation by reason of abandonment, dilapidation, deterioration, age or obsolescence, including properties with illegally dumped trash, graffiti, deterioration of site or other improvements, or the existence of conditions that endanger life or property by fire or other causes, or any combination of such factors.
 - 2. Building:**
A combination of any materials fixed to the ground and having a roof, enclosed within exterior walls, built to form a structure for the shelter of persons, animals or property.
 - 3. Structure:**
Shall mean anything erected at a fixed location on the ground, including but not limited to fences, signs, light poles, and towers.
 - 4. Inspector of Buildings:**
Inspector of Buildings of the Town of Bourne or his designee.
 - 5. Owner:**
A person or entity who, alone or severally with others who has legal or equitable title to any building or has care, charge or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
 - i. is a tenant a legal right to possess an entire building; or
 - ii. is a mortgagee in possession of any building; or
 - iii. is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building; or
 - iv. is an officer or trustee of an association of unit owners of a condominium or cooperative which contains a vacant building.
 - 6. Abandoned or Vacant Building:**
Any building which is not legally occupied, vacant, abandoned or not used for a period of at least forty-five (45) consecutive days.
 - 7. Legally Occupied:**

Occupied in accordance with the provisions of the Massachusetts State Building Code.

d. Registration:

Prior to or not more than seven (7) days after the building becomes vacant, the owners must register the building with the Inspector of Buildings on forms provided by the Inspection Department. All registrations must state the individual's name, phone number and mailing address as well as an emergency contact, if not the same. This registration must state if the property is vacant at the time of filing, and if so for how long. Once the building is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of lawful occupancy to the Inspector of buildings.

e. Maintenance requirements:

1. Properties subject to this bylaw shall be maintained in accordance with all applicable local and state Sanitary Codes, Building Codes and Fire Codes, in addition the exterior shall be maintained as not to appear; decayed, deteriorated, neglected or dilapidated.
2. The owner of a vacant building must promptly repair all broken windows, doors, other openings and any unsafe conditions at the vacant building. Boarding up of open or broken windows and doors is prohibited except as a temporary measure for no longer than thirty (30) consecutive days, unless the Inspector of Buildings determines that, due to vandalism or security reasons and due to circumstances out of the owner's control, the proper boarding of windows and doors is necessary for a period of time longer than thirty (30) consecutive days. Boards or coverings must be fitted to the opening size and colored to blend with the existing building color scheme.
3. The owner must maintain the building and property for the duration of the vacancy or abandonment. The owner is responsible to maintain the condition of the building and property to appear not to be vacant. Upon notice by the Inspector of Buildings, any accumulated trash and/or graffiti shall be taken off or removed from the property within (7) days. The Inspector of Buildings is responsible for documenting all violations. The owner of any building vacant for a period exceeding six (6) months whose utilities have been shut off shall have those utilities removed or cut and capped to prevent accidents if deemed necessary by the Inspector of Buildings.
4. Compliance with this bylaw shall not relieve the owner of any applicable obligations set forth in any other bylaw, regulation, code, covenant conditions or restrictions and/or association rules and regulations. In case of a conflict with these rules and regulations, the stricter of the rules and regulations shall apply.

f. Maintenance Standards:

Buildings

1. All exterior components of every building and structure including but not limited to walls, roofs, chimneys, cornices, gutters, downspouts, drains,

porches, canopies, awnings, steps, landings, fire escapes, exterior stairs, windows, shutters, and doors, shall be kept in sound condition and good repair, substantially free of deterioration, including but not limited to loose or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling or deteriorated paint.

2. Vacant or abandoned buildings and structures shall be maintained in compliance with this bylaw and be kept secure from use or occupation by unauthorized persons.
3. Overhanging structures, including canopies, awnings, exterior stairways, fire escapes, and other overhanging extensions shall be maintained in sound condition, good repair and be securely anchored.
4. All buildings and structures damaged by fire, explosion, weather or other cause shall be repaired and returned to their former condition or in compliance with this bylaw, or be razed within six (6) months unless granted an extension by the Inspector of Buildings.

Land, premises and landscape elements

5. Each owner or occupant shall keep premises and land, including but not limited to steps, walks, driveways, fences, retaining walls and vegetation, in good condition.
 6. All steps, fences, retaining walls and landscape features shall be firmly anchored and maintained in good structural repair.
 7. All premises shall be maintained substantially free from overgrowth of vegetation which constitutes a suitable habitat for vermin, otherwise poses a hazard to the health and safety of any person in the vicinity of the premises, or is so overgrown as to have a clear adverse affect on the value of surrounding properties.
 8. Water shall not be permitted to continuously stagnate outside of any building or structure for more than ten (10) days except under natural conditions. Nothing in this subsection shall operate as a waiver or exception to any other law, rule or regulation for the storage or handling of water.
- g. Investigation: The Inspector of Buildings shall undertake an investigation of any alleged violation of this bylaw upon his own initiative or upon receipt of a complaint from any individual, civic organization or other governmental agency.
 - h. Penalties and Enforcement: The Inspector of Buildings or his designated agents shall be responsible for the enforcement of all the provisions of this bylaw and shall institute all necessary administrative or legal action to assure compliance. Any owner found to be in violation of this bylaw shall first receive: a written warning and a minimum seven (7) days to remedy all violations, prior to the institution of any

enforcement action.

The Inspector of Buildings, acting on behalf of the Town of Bourne, may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this bylaw.

- i. Violations. Any person who fails to adhere to this bylaw after the seven (7) day warning shall be punished by a fine of \$50.00 dollars per day for (30) days thereafter \$100.00 per day for an additional (30) days, and thereafter \$200 per day until the violation is remedied.
- j. Severability: If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

NOTE: * Various changes amended by Article 25, 2013 ATM

Section 3.1.44

Use of Barlows Landing Road and Boat Launch

Purpose and Intent

This bylaw seeks to regulate the use of a section of Barlows Landing Road between Shore Road, up to and including, the Barlows Landing Beach boat launch. The Town recognizes that we are a boating community, but at times, the overuse of this specific area has caused a level of disruption to the neighborhood and has limited reasonable access to this area by our citizens. This bylaw seeks to coordinate certain boat launch activities in an effort to increase the availability of parking and decrease the level of disruption and access in this area. This bylaw does not restrict anyone from using standard boat trailers that do not meet the definition of commercial boat launching equipment.

Definitions

Commercial Boat Launching Equipment-includes any vehicle or trailer used for transporting; launching or recovering; vessels from the water consisting of vehicle/trailer combinations that use hydraulic or electric stabilizers to support vessels on the trailers; and/or may be detachable by winch type equipment. This definition also includes separate vehicles with cranes or hoists attached that are deployed and used for the purpose of assembling or disassembling vessels including their masts. A vehicle and trailer combination as defined above is considered one piece of commercial boat launching equipment.

Person-includes any and all individuals, business owners, corporations, societies, associations, partnerships, agencies, and trusts.

Rig-includes the assembling or disassembling of watercraft parts, including but not limited to, the stepping and un-stepping of a mast.

Stage-includes the parking, or slow rolling, of commercial boat launching equipment, whether the vehicle is running or not, while waiting for access to another area, such as the town property known as Barlows Landing Beach.

Vessel-includes every description of water craft, including personal watercraft, when navigating or moored on the water, used or capable of being used as a means of transportation on the water, whether propelled by power, sail, or manually.

Regulations

Between June 1st and June 30th of any year, no person shall use more than two (2) pieces of commercial boat launching equipment to launch, recover, or rig a vessel, on the town owned property known as Barlows Landing Beach.

Between July 1st through the Labor Day holiday in September of any year, no person shall launch, recover, or rig a vessel by the use of commercial boat launching equipment, on the town owned property known as Barlows Landing Beach, without a permit issued by the Director of the Bourne Natural Resources, or his/her designee. During this specific time period, no permit shall be issued by the Bourne Department of Natural Resources that allows for the above described operations inside the time limits of 10 am and 5 pm of any day. In the case of an emergency, as determined by the Director of the Bourne Natural Resources or his/her designee, exemptions to this section of the bylaw may be allowed. Extreme weather events, vessels that are identified as a source of pollution or have circumstances affecting the vessels ability to stay afloat or get under way, could all be considered emergencies by the Bourne Director of the Natural Resources, or his/her designee. Emergency response by first responders is always an exception to this bylaw.

No person shall leave any waste, including but not limited to, shrink wrap and strapping, on the town owned property known as Barlows Landing Beach.

No person operating commercial boat launching equipment shall park or stage, on that section of Barlows Landing Road between Shore road and the Barlows Landing Beach area.

Persons operating commercial boat launching equipment shall not block the launch ramp during any operation, except for the specific launching and recovery of a vessel. No rig of vessels shall occur on the launch ramp itself.

This bylaw only applies to the above described section of Barlows Landing Road, and the Barlows Landing Beach parking area and boat ramp.

Permit Restrictions

Permits shall be restricted to single pieces of commercial boat launching equipment unless a crane or hoist as described in the definition of commercial boat launching equipment is approved by the Director of the Bourne Natural Resources, or his/her designee, to assist with the operation. No permit shall be issued for the use of more than two pieces of commercial boat launching equipment.

Operational time limits will be set and noted on any permit issued by the Bourne Director of the Natural Resources or his/her designee.

Should a permit fee be established, it shall only be established after a recommendation by the Bourne's Director of Natural Resources to the Board of Selectmen. The Board of Selectmen have the sole authority of approving a permit fee, should one be recommended.

Penalty

The penalty for violating the regulations of this bylaw is a fine of \$100 per person, per first violation.

Second offenses that occur within a calendar year will be fined \$200 per person.

Third and subsequent offenses within a calendar year will be fined \$300 per person, followed by a permit review by the Director of the Natural Resources to determine whether future permits will be denied, and the time period of such a permit suspension.

Enforcement

This bylaw may be enforced by any Town Police Officer or officer of the Town's Department of Natural Resources.*

NOTE: * Various changes by Article 22, 2017 ATM

Section 3.1.45

Prohibition on Marijuana Establishments

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufactures, marijuana retailers, on-site consumption of marijuana at a marijuana retailer location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Bourne. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.00, as may be amended from time to time.

NOTE: * Various changes by Article 14, 2018 October 1, STM

Section 3.1.46

2021 ATM Article 15 – Plastic Containers

The purchase by the Town of Bourne of either water or any other beverage in single use plastic containers is prohibited on town property. Any Town department when engaged in public health and safety operations shall be exempt from the Bylaw, Effective date: As soon practicable but no later than January 1, 2022. In the event of a declaration (by Emergency Management Director, or other duly-authorized Town, Commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water for Bourne residents the Town shall be exempt from this Bylaw until seven (7) calendar days after such declaration has ended.

NOTE: * Various changes by Article 14, 2018 October 1, STM

NOTE: * Various changes amended by Article 15, 2021 ATM

Article 3.2 Street Intersections

Section 3.2.1

Hazards to Traffic. Wherever the Board of Selectmen and the Chief of Police shall jointly determine that a hedge or similar growth or a fence, sign or other similar structure shall constitute a hazard to vehicular or pedestrian traffic, they may require that such growth or structure be trimmed, altered, moved or removed within ten days of written notice to the owner thereof. *

Article 3.3 Taxi-Cabs

Section 3.3.1

Definitions. Each motor vehicle used for carrying passengers for hire and not operating on any fixed route shall be deemed a taxi-cab for the purpose of these bylaws.

Section 3.3.2

License to Operate Taxi-cabs. A license from the Board of Selectmen must be obtained to operate each such taxi-cab, but these bylaws shall not apply to a taxi-cab from another city or town traveling into or through the Town of Bourne provided that no passenger is transported by such taxi-cab between two points, both within the Town. The Selectmen may from time to time grant licenses to operate taxi-cabs in the Town of Bourne to such persons and upon such terms as they may deem expedient and they may also revoke such licenses for cause. All such licenses granted as aforesaid shall expire on the last day of December next after the date thereon, and no such license shall be sold, assigned, or transferred without the consent of the Selectmen endorsed thereon.

Section 3.3.3

Fees. Each person licensed to operate a taxi-cab shall pay to the Town of Bourne the sum of fifty dollars for each taxi-cab used, driven, or operated by him; this charge is to cover the cost of the license and to include the issuance of a single license marker which must be attached securely to the vehicle for which it is issued, on the right hand side of the cowl.

Article 3.4 Public Health

Section 3.4.1

Littering. No person shall throw or leave any swill, garbage, rubbish, house offal, dead animals, or offensive refuse of any kind upon any public or private way, yard, vacant lot, public place, or body of water.

Section 3.4.2

The creation and/or maintenance of any nuisance, source of filth, or cause of sickness is prohibited. For that purpose due regard shall be paid to the proper maintenance of all septic systems (Title 5 or cesspools), swimming pools, garbage collection areas, and storage units. Any violation of this section will result in a fine of \$300.00 and each day of offense shall be considered a separate violation.*

NOTE: * Various changes amended by Article 28, 2012 ATM

Section 3.4.3

Prohibiting Feeding of Waterfowl. No person, except the Director of the Division of Fisheries and Wildlife or his agents as authorized pursuant to Chapter One Hundred and Thirty-one of the General Laws, shall feed or bait, any waterfowl of the family Anatidae (including, but not restricted to, ducks, geese, and swans), at any place within the Town of Bourne. As used in this paragraph, "feeding" and "baiting", in all their moods and tenses, shall mean the placing, exposing, depositing, distributing, or scattering, directly or indirectly, of shelled, shucked, or unshucked corn, wheat, or other grain, bread, salt, or any other feed or nutritive substances, in any manner or form, so as to constitute for such birds a lure, attracting, or enticement to, on, or over any such areas where such feed items have been placed, exposed, deposited, distributed or scattered.

Nothing in this bylaw shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Fisheries and Wildlife, by a farmer as defined in Section One A of Chapter One Hundred and Twenty-eight on property owned or leased by him, or the feeding of any waterfowl or other birds by propagators licensed under Section Twenty-three of Chapter One Hundred and Thirty-one of the General Laws when such waterfowl or other birds are confined in such a manner as may be required pursuant to said Section Twenty-three and any rules and regulations issued under authority thereof.

This Section may be enforced by Police or Natural Resource Officers in accordance with the non-criminal violation procedures as outlined in Section 6.1.2 of the Town Bylaw and any person found to be violating the provisions of this bylaw shall be subject to a fine of \$100.00.*

NOTE: * Various changes amended by Article 24, 2012 ATM

Section 3.4.4

- a. In order to protect and enhance public health by reducing the risk of health hazards, the provisions of the Code of Massachusetts Regulations 105 CMR 410:00, 310 CMR 11:00, 310 CMR 15:00, local Board of Health Regulations and any other applicable laws, rules and regulations that the Board of Health is empowered to enforce, as from time to time amended and supplemented, are hereby incorporated in and made a part of this Bylaw and any violation of any provision thereof shall constitute violation of this section.
- b. Except as may otherwise be provided by law, whoever violated any provision of Section 3.4.4, shall be punished by a fine of \$50.00 for the first offense, \$100.00 for a second offense, \$200.00 for a third offense and \$300.00 for subsequent offenses within any 12 month period of time. In case of any continuing violation, each day said violation continues shall constitute a separate offense. Said section shall be enforced by the Board of Health, its agent, or its duly authorized designee as well as by Town Officers having police powers.
- c. In addition to procedures otherwise provided by law for enforcement of this Section, the provisions of Section 3.4.4 may be enforced pursuant to Massachusetts General Laws, Chapter 40, Section 21D.

NOTE: * Various changes amended by Article 20, 2012 ATM.

Article 3.5 Food Vendor's License

Section 3.5.1

Sales Prohibited Without a License. No person shall offer food for sale to the public in a food service establishment, as hereinafter defined, unless licensed as a Common Victualer or an Innholder under the provisions of Chapter 140 of the General Laws, without first obtaining a Food Vendor's License under the provisions of this bylaw. Any person who violates this section shall be liable to fine of \$50.00 per violation. Each day of operation without a Food Vendor's License shall constitute a separate violation.

Section 3.5.2

Where License is Required. Food service establishment shall include any fixed or mobile place, structure or vehicle, whether permanent, transient, or temporary, private, public or non-profit, routinely serving the public; or any other eating or drinking establishment or place where food or drink is prepared for sale or for service to the public on the premises or elsewhere.

Section 3.5.3

Information Required Upon Filing Application of License. Each applicant for such license shall submit on forms to be provided by the Selectmen, the following information: name and address of place of business evidence, in form satisfactory to the Selectmen, that the applicant has upon the premises the necessary implements and facilities for cooking, preparing and furnishing food to the public, and such other information as the Selectmen shall require. The Selectmen may require applicants to submit detailed plans and specifications showing, if any, the location of the fixtures and other facilities and the general arrangement of the premises including, in the case of applications for premises not completed, estimates of the cost of the proposed arrangement and of the facilities indicated on the plan. The Selectmen may require detailed plans for the ongoing upkeep and maintenance consistent with standards necessary for sanitation and safety. Such plans shall include a listing of facilities for cleaning of all utensils, refrigerator and food storage areas. In the event of a proposed sale of a business requiring a Food Vendor's License or a Common Victualer's License, an application for a transfer of either of said licenses will be deemed to be an application for a new license, subject to the rules and regulations herein contained, and the owner of such business shall be required to file with the Selectmen a thirty day notice of his intention to sell same before such application will be acted upon by the Selectmen.

Section 3.5.4

License Issued for Public Good Only. Such license shall not be issued or be valid until it has been signed by the majority of the Selectmen. The Selectmen may refuse to grant such a license if, in their opinion, the public good does not require it. The Board of Selectmen may delegate their authority to issue licenses under this Section to the Town Administrator in accordance with Section 5-2 of the Town Charter. Said delegation shall be for an indefinite period of time, however, said delegation may be revoked at any time thereafter, by a subsequent vote of the Board of Selectmen, as they shall so determine. *

NOTE: * Various changes amended by Article 5, October 20, 2003 STM

Section 3.5.5

Term of License. Food Vendor's License shall be valid for a term of one year from the first day of January until the 31st day of December. A non-refundable fee of \$25.00 shall be submitted with the application for such license. Any license issued during the year shall expire on the 31st day of December and the fees shall not be prorated. The Selectmen may, in their discretion, suspend the requirement of the fee for schools, hospitals, church, municipal, civic or fraternal organizations.

Section 3.5.6

Suspension or Revocation of License. If, in the opinion of the Selectmen, a licensee ceases to be engaged in the activity licensed hereunder, or fails to maintain upon the premises on

which such activity is licensed the implements and facilities required by the bylaw, the Selectmen shall immediately revoke the license. If the licensee at any time conducts the licensed business in an improper manner, the Selectmen, after notice to the licensee and public hearing may, upon satisfactory proof thereof, suspend or revoke the license.

Article 3.7 Wetland and Natural Resources Protection.

Section 3.7.1

Intent, Purpose and Jurisdiction. The intent and purpose of this bylaw is to protect inland and coastal wetland areas, water, and adjoining land areas in Bourne (hereinafter "wetland resource areas"), by regulating those activities specified herein which are likely to have an adverse effect or a cumulative adverse effect upon wetland resource values. *

The term "wetland resource values" as used herein shall include public and private water supplies, groundwater supplies, flood control, storm damage prevention, pollution prevention, fisheries and shellfisheries, wildlife habitat, erosion and sedimentation control, and recreational and/or commercial uses.

This bylaw shall be administered by the Conservation Commission (hereinafter the "Commission"). No person shall remove, fill, dredge, alter or cause adverse effect to any Wetland Resource Areas or Adjoining Land Areas except as permitted by this bylaw. This bylaw regulates activity within the A flood zone (as shown on FIRM Maps) only if the activity is within 100 feet of another wetland resource area. *

All emergencies permitted under the State Wetlands Protection Act, G.L. c. 131, s. 40, as from time to time amended (hereinafter the "Act"), shall be permitted under this bylaw.

Section 3.7.2

Permit Applications; Determination; Conditions. The Commission shall accept as application and plans under this bylaw those applications and plans required to be submitted under the Act and the rules and regulations promulgated thereunder, as from time to time amended. The Commission may require such other information as it may reasonably deem necessary to make an informed decision.

The person filing a Notice of Intent with the Bourne Conservation Commission must submit with said document a Notice of Intention Authorization Form which clearly identifies the locus of the intended project, certifies to the Commission that the applicant is the owner of the locus where work is to occur and that the owner approves of the proposed work. The owner of locus must also certify to the Commission that he/she is in compliance with the Town of Bourne Bylaw section 3.11.2 regarding payment of any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of section twenty-one D.

If after a public hearing, the Commission determines that the proposed activity or activities will have an adverse effect upon any one or more of the wetland resource values protected by this bylaw, it shall either issue, issue with conditions, or deny a permit for the activity or activities requested in the application.

Section 3.7.3

Notice of Hearings. Any person filing a Notice of Intent with the Conservation Commission shall give notice thereof in the same manner required by Mass. Gen. Laws, Chapter 131, Section 40, as from time to time amended and supplemented, and the Rules and Regulations, if any, promulgated thereunder, as from time to time amended and supplemented.

Any person filing a Request for Determination of applicability with the Conservation Commission shall give written notice thereof, no less than five (5) business days prior to the scheduled Commission meeting, by certified mail-return receipt requested postage prepaid or by delivery in hand, to all abutters to the proposed project and to the property owner if other than the applicant, according to the most recent records of the Bourne Board of Assessors. The notice shall specify the date, time and location of the Commission meeting, and shall also specify where a copy of the Request for Determination, accompanying plans and documents may be examined and obtained.

Section 3.7.4

Definitions; Regulations. The definitions contained within the Act (Chapter 131, section 40 MGL) and the Regulations at 310 CMR 10.00 et. seq., are incorporated herein by reference and made a part of this bylaw, except where the language in this bylaw is more definitive, in which event the language in this bylaw shall prevail. State definitions must not conflict with the intent and purpose of this bylaw. The Act and the Rules and Regulations promulgated thereunder, and from time to time amended, by the Legislature (Massachusetts General Court) and the Massachusetts Department of Environmental Protection (DEP) are incorporated herein by reference and made a part of this bylaw, except where the language in this bylaw is more protective, in which event the language in this bylaw shall prevail. Where the act and 310 CMR 10.00 et. seq. conflict with the intent and purpose of this bylaw, the bylaw shall prevail.

The following definitions are issued pursuant to this bylaw;

'Definitions' shall mean those contained within the Act, the Regulations at 310 CMR 10.00 et. seq., the DEP Policy Guidelines and the more definitive and restrictive definitions within this Bylaw and the Rules, Regulations and/or Policy Guidelines issued pursuant to it. The commission shall interpret each definition in a manner that best serves the intent and purpose of this bylaw and in a manner that protects the interest of the citizens of Bourne.

'The Rules and Regulations promulgated' shall mean those contained within the Act and 310 CMR 10.00 et. seq., and from time to time amended, the DEP Policy Guidelines as well as the more protective and restrictive language within this bylaw, its Rules, Regulations and Policy Guidelines issued pursuant to it.

'Wetland Resource Areas' shall mean all wetland resource areas mentioned in Chapter 131, section 40 MGL and its Regulations at 310 CMR 10.00 et. seq., as from time to time amended, and any other area that due to its vegetation, soils, and/or hydrology supports a wetland plant community or holds enough water to provide a breeding habitat for certain water dependent faunal species. Areas in which 50% or more of the vegetational community is composed of wetland plant species shall be classified as a wetland resource area.

'Water' shall mean all surface and groundwater associated with the Wetland Resource Areas and/or the land 100' from such areas.

'Adjoining Land Areas' shall mean the land 100' back as measured horizontally from the boundary of any Wetland Resource Area. This area is hereafter referred to as the Buffer Zone. No habitable dwelling or accessories thereto or roadway/driveway shall be allowed any closer than 50' from the boundary of a Wetland Resource Area unless permitted under this bylaw.

'Adverse Effect' shall mean any change in the quality of a Wetland Resource Area that causes a diminishment in its ability to provide the Wetland Resource Values protected by this Bylaw.

'Impair' shall mean to make or cause to become worse; weaken or damage. Projects must be designed so as to not significantly impair the wetland resource areas, buffer zones and/or the wetland resource values protected under this bylaw.

'Significant Shellfish Habitat' shall mean those areas containing shellfish in densities (numbers) and/or habitat considered significant by the state Division of Marine Fisheries (DMF) and/or the Bourne Department of Natural Resources (DNR). The Commission shall also evaluate information provided by local recreational and commercial shellfishers and by the applicant. No project shall be permitted if it will cause any adverse effect on shellfish habitat and/or shellfish densities and/or impair the ability to harvest shellfish and/or cause adverse effect to eelgrass beds.

'Eelgrass Beds' shall mean those areas where the marine substrate is populated by eelgrass (Zostera marina) in quantities considered significant to shellfish habitat as determined by DMF and/or Bourne DNR. Destruction of such beds is prohibited.

'Wetland Resource Values' shall mean but not be limited to the following;

- a. Public and Private Water Supplies means any surface water or groundwater supply that has, is, or could be used for consumption by humans or livestock.
- b. Groundwater Supplies means any water below the earth's surface in the zone of saturation below the Wetland Resource Area or below the Buffer Zone.
- c. Flood Control means the ability of the Wetland Resource Area to prevent and/or reduce flooding and flood damage.
- d. Storm Damage Prevention means the project must be designed in a manner that ensures the prevention of damage to the Wetland Resource Area and abutting properties caused by, but not limited to, erosion and sedimentation, damage to vegetation, damage to property or buildings, or damage caused by the displacement of water, water-borne debris or water-borne ice. Within a velocity Zone the Commission may approve, "Dinghy Docks", as defined at Section 15.0 of the Town of Bourne Waterways Rules and Regulations; a seasonal small pier/dock as defined by the Massachusetts Department of Environmental Protection "General license Certification"; walkways permissible under 310 CMR 10.32(4); FEMA compliant structures; and other small projects deemed by the commission to meet the intent of this section. All projects must meet FEMA regulations and guidance for work

within a flood zone and the Massachusetts State building code. Within the velocity zone the Commission may require the project engineer to certify in writing that the design of said project complies fully with the first sentence of Section 3.7.4(d) or that the project is designed to meet or exceed FEMA regulation & guidance; and the Massachusetts State building code regulations. Projects that fail to gain certification shall be deemed a threat to the health and safety of Bourne's residents and the proposed project shall be denied by the Commission, or take any action in relation thereto. *

- e. Pollution Prevention means a project must be designed in a manner as to not cause pollution to the ground or surface waters and that will not in any way result in the degradation to the Wetland Resource Area.
- f. Fisheries and Shellfisheries means all fish and shellfish found in fresh, salt or brackish waters and any organisms (including plants) that make up part of the food chain/web of such animals regardless of their commercial value. This bylaw requires that a project be designed so as not to contaminate, damage or impair the fish/shellfish, its food supply, habitat, or water supply. All projects proposed in public wetland resource areas must meet the performance standard of no adverse effect.
- g. Wildlife Habitat means the place within each Wetland Resource Area or Buffer Zone thereto, where animal life (vertebrates/invertebrates) live. This habitat shall consist of the plants, soil and physical features and/or water which provides for the animal specie. Proposed projects must be designed to maximize protection of wildlife habitat. All state rare species (plant and/or animal) officially listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife under 321 CMR 8.00 et. seq., and from time to time amended, and those species of local significance which live within the wildlife habitat shall be fully protected by this bylaw and their habitat must not be impaired in any way by a proposed project.
- h. Erosion and Sedimentation Control means both the ability of the Wetland Resource Area to perform these functions and the responsibility of the project applicant to propose a design that incorporates these controls into the plan to prevent damage to the wetland resource area, buffer zone or abutting properties from erosion/sedimentation and water displacement caused by the project. Furthermore, each proposed project must be designed to prevent damage to the wetland resource area due to scouring, propeller wash/shear, re-suspension of sediments and from increased wave energy. Projects shall be designed to cause no adverse effect on significant shellfish habitat and/or eelgrass beds.
- i. Recreational and/or Commercial Use means, but is not limited to, the purposes for which the Wetland Resource Area are used by the public such as navigation, fishing, hunting, shellfishing, swimming, water skiing, diving, walking, etc. A project must be designed so as to not impair the ability of the Wetland Resource Area to provide for these public recreational and/or commercial uses.

NOTE: * Various changes amended by Article 8, 2009 October STM

NOTE: * Various changes amended by Article 16, 2021 ATM

Section 3.7.5

Activities in Water Resource District and Other Special Considerations.

- a. No wetland, regardless of size, within a Water Resource District designated on the Bourne Zoning Map, as from time to time amended, shall be filled, dredged, excavated or altered unless a permit has first been obtained pursuant to this bylaw, and written approvals have been obtained from the Planning Board, the Board of Health, and the Commissioners of the Water District in which the activity is proposed.
- b. No person shall alter, fill, dredge or excavate any wetland classified as a White Cedar Swamp (Chamaecyparis thyoides).
- c. The Commission may prohibit the location of any building or structure within an area designated by the Commonwealth of Massachusetts as an Area of Critical Environmental Concern (ACEC). Projects approved in an ACEC must show no adverse effect upon the wetland resource areas and/or their buffer zones.
- d. No new dwelling or accessory thereto shall be approved on a slope= \geq 25% if this slope is located within 100 feet of a wetland resource area.
- e. No project shall be approved if it will cause an adverse effect to significant shellfish habitat and/or shellfish and/or shellfishing or eelgrass beds.

Section 3.7.6

Enforcement; Violations; Penalty. The Commission employees, duly authorized agents, natural resource officers, and local and state law enforcement agencies are hereby authorized to enforce the provisions of this bylaw. Any person violating this bylaw shall be punished by a fine of \$300.00 for each offense. Each day or portion thereof during which a violation continues shall constitute a separate offense. Notices of violation shall be in the form of a violation letter, enforcement order and/or a cease and desist request. Any person who files "after-the-fact" for a project may be required by the Commission to pay double the filing fee. *

NOTE: * Various changes amended by Article 9, 2012 November STM

Section 3.7.7

Severability. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provisions thereof, nor shall it invalidate any permit or determination which previously has been issued.

Section 3.7.8

Security. The Commission may require, as a permit condition, that a performance and observance of other conditions be secured by one or both of the following methods:

- a. By a bond or deposit of money or negotiable securities in the amount determined by the Commission to be sufficient and payable to the Town of Bourne.
- b. By conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in case of registered land).

Section 3.7.9

Consultant Fees. The Commission is authorized to require the applicant, to pay the reasonable costs and expenses borne by the Commission (Town) for specific expert engineering and consultant services deemed necessary by the Commission to review the notice of Intent and/or the Request for Determination of Applicability, up to a maximum of two thousand and five hundred dollars (\$2,500.00).

Said payment can be required at any point in the deliberations prior to a final decision being rendered. Said services may include but are not limited to wetland resource area surveys and delineations, wetland resource area reports, hydrogeological and drainage analysis, wildlife evaluation, shellfish surveys, and environmental/land-use law.

The Commission is hereby authorized to charge for said fee when the Notice of Intent and/or the Request for Determination of Applicability proposes any of the following: 500 square feet or greater alteration of a coastal or inland wetland resource area: 50 linear feet or greater of bank alteration to an inland or coastal waterway: 500 square feet or greater alteration to the buffer zone: alteration of greater than 500 square feet of land under a water body or the ocean: discharge of any pollutants into or contributing to surface or groundwater or the wetland resource area or buffer zone: or the construction of any detention or retention basin or water control structure. Any applicant aggrieved by the imposition of, or the size of, the fee, or any act related thereto, may appeal according to the provisions of Massachusetts General Laws.

Section 3.7.10

Appeals. Any person aggrieved by a decision of the Conservation Commission under the Town of Bourne Wetlands Protection Bylaw may appeal to the Barnstable Superior Court by filing a civil action in the nature of certiorari pursuant to M.G.L. c. 249, sec. 4 within sixty (60) days next after the proceeding complained of.

Section 3.7.11

Litigation. After denying a permit and prior to litigation of the matter, the Commission shall meet with the Town Counsel and the Board of Selectmen to evaluate the merits of the pending litigation. After such meeting, the Commission may vote to modify its original position if it determines this action to be in the best interests of the residents of the Town.

Section 3.7.12

Section 3.7.12 Promulgation of Rules and Regulations. After public notice and public hearing the Commission shall promulgate such Rules and Regulations to effectuate the purpose of this by-law. Failure by the Commission to promulgate such Rules and Regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of the by-law or any Rules and/or Regulations promulgated hereunder, or take any action in relation thereto. *

NOTE: * Various changes amended by Article 28 & 29, 2000 ATM

NOTE: * Various changes amended by Article 17, 2021 ATM

Section 3.8.1

Article 3.8 Underground Storage Regulation

Definitions. 'Toxic or hazardous materials' shall be defined as all liquid hydrocarbon products including, but not limited to, gasoline, fuel and diesel oil, and any other toxic or corrosive chemicals, radioactive materials or other substance controlled as being toxic or hazardous by the Division of Hazardous Waste of the Commonwealth of Massachusetts, under the provisions of Massachusetts General Laws, Chapter 21C, Section 1, et. seq.

Section 3.8.2

Installation of Underground Storage Tanks (UST).

- a. Following the effective date of this regulation, the installation of all underground fuel, gasoline or other chemical storage tanks shall conform with the following criteria:
- b. In that the United States Environmental Protection Agency designated the Town of Bourne as overlying a sole source aquifer, secondary containment and an approved in-tank or interstitial space monitoring system shall be required for new or replacement tanks.

Section 3.8.3

Tank Registration. The following regulations shall apply to

1. All underground tanks containing toxic or hazardous materials as defined above which are not currently regulated under 527 CMR 9.05 - Tanks and Containers, to *
2. All underground tanks containing fuel oil, whose contents are used exclusively for consumption on the premises, and to
3. Farm and residential tanks of 1,100 gallon capacity, or less, used for storing motor fuel for non-commercial purposes.
 - a. Owners shall file with the Board of Health, on or before August 15, 1988 the size, type, age and location of each tank, and type of fuel or chemical stored in them. Evidence of date of purchase and installation, including fire department permit, if any, shall be included along with a sketch map showing the location of such tanks on the property. Upon registering the tank with the Board of Health, the tank owner will receive a permanent metal or plastic tag, embossed with a registration number unique to that tank. This registration tag must be affixed to the fill pipe in such a location as to be visible to any distributor when filling the tank and to any inspector authorized by the Town.
 - b. Effective August 15, 1988 every petroleum and other chemical distributor, when filling an underground storage tank, shall note on the invoice or bill for the product delivered, the registration number appearing on the tag affixed to the tank which

was filled. Every petroleum and other chemical distributor shall notify the Board of Health of the existence and location of any unregistered or untagged tank which they are requested to fill. Such notification must be completed within two (2) working days of the time the distributor discovers that the tank registration tag is not affixed to the fill pipe.

- c. Prior to the sale of a property containing an underground storage tank, the fire department must receive from the current owner a change of ownership form for the registration of the underground storage tank. Such form can be obtained from the fire department.

Section 3.8.4

Testing. The tank owner shall have each tank and its piping tested for tightness fifteen (15) years after installation and annually after twenty (20) years. A tank shall be tested by any final or precision test, not involving air pressure that can accurately detect a leak of 0.05 gal/hr, after adjustment for relevant variables, such as temperature change and tank end deflection, or by any other testing system approved by the Board of Health, as providing equivalent safety and effectiveness. Piping shall be tested hydrostatically to 150 percent of the maximum anticipated pressure of the system. Certification of the testing shall be submitted to the Board of Health by the owner, at the owner's expense. Those tanks subject to the testing requirements of this regulation shall submit the certification of testing to the Board of Health by November 1, 1988. Tanks which are currently tested under the provisions of 527 CMR 9.05 are exempt from this section.*

Section 3.8.5

Report of Leaks or Spills. Any person who is aware of a spill, loss of product, or unaccounted for increase in consumption which may indicate a leak shall report such spill, loss or increase immediately to the head of the fire department and to the Board of Health.

Section 3.8.6

Tank Removal. Prior to the removal of an underground storage tank governed by this regulation, the owner shall first obtain a permit from the head of the fire department, pursuant to M.G.L. C. 148. Any person granted a permit by the Marshal or the head of a local fire department to remove a tank under the provisions of M.G.L., C. 148 or 527 CMR 9.05, shall within 72 hours provide the permit granting authority with a receipt for delivery of said tank to the site designated on the permit. Before any person is granted a permit by the Marshal or head of a local fire department to remove a tank under the provisions of M.G.L., C. 148 or 527 CMR 9.05, and said tank is not being transported to an approved tank yard, the person requesting the permit shall provide the permit-granting authority with written approval from the owner/manager of the disposal site. (Reference: 502 CMR 3.00 for tank removal and disposal procedure).*

Section 3.8.7

Costs. In every case, the owner shall assume the responsibility for costs incurred necessary to comply with this regulation.

Section 3.8.8

Variances. Variances from this regulation may be granted by the Board of Health after a

hearing at which the applicant establishes the following:

1. The enforcement thereof would do manifest injustice; and
2. Installation or use of an underground storage tank will not adversely affect public or private water resources. In granting a variance, the Board will take into consideration the direction of the ground water flow, soil conditions, depth to ground water, size, shape and slope of the lot, and existing and known future water supplies.

Section 3.8.9

Severability. Provisions of this regulation are severable and if any provision there shall be held invalid under any circumstances, such invalidity shall not affect any other provisions or circumstances.

NOTE: * Various changes amended by Article 24, 2013 ATM

NOTE: * Various changes amended by Article 2, 2014 STM

Article 3.10 Solid Waste Management

Section 3.10.1

This bylaw establishes a solid waste management plan for the Town of Bourne which includes but is not limited to source reduction of waste, reuse rather than disposal, recycling, composting of leaf and yard waste, and the use of recycled products by Town departments and agencies.

The purpose of this Bylaw is to protect and preserve the environment, conserve natural resources, reduce the volume of waste requiring disposal and to comply with Department of Environmental Protection waste disposal restrictions at 310 CMR 19.017.

Any individual, commercial concern or public agency, board or department residing, operating or doing business in the Town of Bourne is hereby subject to this Bylaw.

This Bylaw shall be administered and supervised by the Town of Bourne, Board of Selectmen through the Department of Integrated Solid Waste Management (ISWM) General Manager.

There shall be a Recycling Committee authorized and directed to:

- a. Provide advice and assistance to the Board of Selectmen, the ISWM General Manager and Town residents concerning recycling requirements and procedures.
- b. Assist the Board of Selectmen with public education concerning recycling, composting and source reduction.
- c. The committee shall consist of a minimum of five (5) members who will be appointed by the Board of Selectmen for three year staggered terms.

Section 3.10.2 Definitions

For the purpose of this Bylaw, the following words and phrases shall have the meanings ascribed to them by this section.

Solid Waste – garbage, rubbish, yard waste and all materials normally collected at curbside or accepted at the ISWM Residential Recycling Center.

Recyclable Materials – the following are considered recyclable materials and will be collected at curbside or accepted at the Residential Recycling Center.

Glass – food and beverage containers. Excluded are mirrors, auto glass, light bulbs, glassware and glass commonly known as window glass.

Paper – corrugated cardboard boxes, newspaper, magazines, chipboard, craft and office paper.

Metal – Food Containers – aluminum and tin cans and all other aluminum food foil containers including aluminum foil.

Metal – Any discarded items that are predominately metal including tire rims, gas grills, bed frames and appliances*

Plastics – HDPE – polyethylene containers such as milk jugs (No.2), PET polyethylene terphthalate containers such as soda bottles, and detergent bottles (No.1).*

Yard Wastes – Leaves, garden waste, lawn clippings, weeds, hedge clippings, tree and brush prunings and stumps.*

Electronic Devices – Television sets, VCR's, computers, radios and other electronic devices, including rechargeable batteries such as ni-cad, lithium, lead-acid and metal hydride batteries. Lithium sulfur dioxide batteries are not accepted.*

NOTE: * Various changes amended by Article 21, 2013 ATM

Section 3.10.3 Recycling Program

There is hereby a mandatory recycling program for the purpose of removing recyclables from the Town's waste disposal stream and to recycle any appropriate material including but not limited to the items listed in Section 3.10.2.

Any person disposing of solid waste materials in the Town of Bourne using either public or private disposal services is required to separate and not dispose of recyclables.

The Board of Selectmen, or their designee, has the authority to add, delete or delay collection of recyclables after giving public notice of public hearing of such changes.

Section 3.10.4 Leaf and Yard Waste Composting Program

All leaves and yard waste, whether collected at curbside or brought to the Residential Recycling Center will be composted or otherwise diverted and shall not be disposed of as solid waste.

Any person who has an approved Residential Recycling Center Sticker may bring leaves, yard waste and tree or brush pruning's into the composting area free of charge.*

NOTE: * Various changes amended by Article 21, 2013 ATM

Section 3.10.5 "Buy Recycled" Program

All Town Departments, Boards, and Committees shall purchase recycled products in lieu of non-recycled products, whenever they are readily available at the same quality and price.

Section 3.10.6 Permits

Commercial/Residential Collections. No person shall remove and transport garbage, offal or other offensive substances through the street of the Town of Bourne without first obtaining a permit from the Bourne Board of Health, in accordance with Massachusetts General Laws Chapter 111, Section 31A.

Section 3.10.7 Severability

Provisions of this bylaw are severable and if any provision shall be held invalid under any circumstances, such invalidity shall not affect any other provisions of circumstances.

Section 3.10.8 Enforcement

The Superintendent of Public Works in conjunction with the General Manager of the Integrated Solid Waste Management Department will refuse to collect or allow disposal of solid waste if recyclables have not been separated. This Bylaw is exempt from the Town of Bourne Bylaws, Article 6.1, Section 6.1.1.

Section 3.10.9 Effective Date

This program will become effective on July 1, 1999. The deadline for compliance with new requirements established in this bylaw will be six (6) months or as required by state law. Exceptions will be made with the express written permission of the Board of Selectmen. From the time of placement at curbside for collection the Town of Bourne or its designated agent become owner of the recyclables.

Article 3.11 Licenses or Permits - Revocation or Suspension Non-Payment of Taxes or Assessments

Section 3.11.1

Authority. The bylaw is adopted pursuant to the provisions of Chapter 649 of the Acts of 1985, amending Chapter 40, Section 57 of the Massachusetts General Laws, accepted by the Town under Article 67 of the May 12, 1986 annual town meeting.

Section 3.11.2

Right to Revoke or Suspend Licenses or Permits for Non-Payment of Taxes or Assessments.

- a. Any town board, officer, or department may deny any application for, or revoke or suspend a building permit or any local license or permit including renewals and transfers, to any person, corporation or business enterprise with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or other matter is carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amount assessed under the provisions of section twenty-one D.

- b. The Town Collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that neglected or refused to pay any local taxes, fees, assessments, betterments for any other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement for such tax or a pending petition before the appellate tax board or county commissioners. *
- c. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the town collector; provided, however, that written notice is given to the party and the town collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The town collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, revoked or suspended under this bylaw shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of issuance of said certificate. *
- d. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- e. The board of selectmen may waive such denial, suspension, or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty eight in the business or activity conducted on such property.

NOTE: * Various changes amended by Article 19-E, 2007 ATM

Section 3.11.3

Not to Apply to Certain Licenses. The provisions of this bylaw shall not apply to the following licenses and permits: open burning, bicycle permits, sales of articles for charitable purposes, children's work permits, shellfish permits, clubs, association dispensing food or beverage licenses, dog licenses, fishing, hunting, trapping licenses, marriage licenses,

theatrical events, public exhibition permits, yard sale permits, landfill disposal area permits, beach stickers.

Article 3.12 Prohibition of Smoking in Certain Places Within the Town of Bourne

Section 3.12.1 Definitions

As used in this article:

Board: The Board of Health of the Town of Bourne

Bar: An establishment whose business is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. (*Incidental food is limited to prepackaged snack foods and food that only requires minimum preparation.*)

Employee: Any person who performs services for an employer.

Health Care Facility: Any office or institution providing care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions including but not limited to rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, offices of any surgeon, chiropractor, physical therapist, physician, dentist and all specialists within these professions.

Indoor Sports Arena: Any sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar recreational facilities where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

Person: Any person, firm partnership, association, corporation, company or organization of any kind including, but not limited to an owner, operator, manager proprietor or person in charge of any building, establishment, business, or restaurant or retail store, or the agents or designees of the foregoing.

Public Place: Any building or facility owned, leased, operated or occupied by the municipality, including school buildings or grounds; any indoor enclosed area, etc. open to the general public including, but not limited to, libraries, museums, theaters, auditoriums, indoor sports arenas, and/or recreational facilities, inns, hotel and motel lobbies, educational facilities, shopping malls, public restrooms, lobbies, staircases, halls, exits, entrances, elevators accessible to the public, and licensed child-care locations.

Public Transportation: Buses, taxis, and other means of transportation available to the general public while such means of transportation is operating within the boundaries of the town including indoor platforms by which such means of transportation may be accessed.

Restaurant: Any coffee shop, cafeteria, sandwich shop, private and public school cafeteria and other eating establishment which gives or offers food for sale to the public, guests, or employees for on-premises consumption, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

Retail Food Store: Any establishment commonly known as a supermarket, grocery store, bakery, or convenience store in which the primary activity is the sale of food items to the public for off-premises consumption.

Retail Store: Any establishment whose primary purpose is to sell or offer for sale to consumers, but not for resale, any goods, wares, merchandise, articles or other things, including retail food stores. "Retail store" shall not include restaurants as defined herein.

Smoking: Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, or other tobacco product in any form.

Section 3.12.2 Notice of Prohibition.

Every person having control of premises upon which smoking is prohibited by and under the authority of this bylaw shall conspicuously display upon the premises "No Smoking" signs provided by the Massachusetts Department of Public Health and available from the Bourne Board of Health.

Section 3.12.3 Smoking Prohibited.

No person shall smoke nor shall any person, employer, or other person having control of the premises upon which smoking is prohibited by this bylaw, or the agent or designee or such person, permit a person to smoke in any of the following places as defined herein: bars, health care facilities, public places, public transportation, restaurants, retail stores, and work places except as otherwise provided in Section 4 of this bylaw.

Additionally, no person shall smoke in any place in which a sign conforming to the requirement of Section 2 of this bylaw is posted. No person shall remove a sign posted under the authority of Section 2 of this bylaw.

Section 3.12.4 Exceptions.

Notwithstanding the provision of Section 3, smoking may be permitted in the following places and/or circumstances:

- a. Private residences, except those portions used as a child care or health care office when operating as such.
- b. Hotel and motel rooms rented to guests that are designated as smoking rooms.
- c. Private or semi-private rooms of nursing homes and long term care facilities, occupied by one (1) or more patients, which are separately ventilated and all of whom are smokers who have requested in writing to be placed in rooms where smoking is permitted.
- d. Retail tobacco stores, which are solely for the sale of tobacco products, prohibit minors from entering the establishment, and which are not required to possess a retail food permit.

Section 3.12.5 Violations.

It shall be a violation for any employer or other person having control of the premises upon which smoking is prohibited by this bylaw, or the agent or designee of such person to permit a violation of this bylaw.

It shall be a violation for any person to smoke in any area where smoking is prohibited by the provisions of this bylaw.

Any person who violates any provision of this bylaw shall be subject to a fine of fifty (\$50.00) dollars for the first violation, one hundred (\$100.00) dollars for the second violation, and two hundred (\$200.00) dollars for a third or subsequent violations during any one calendar year.

Section 3.12.6 Enforcement.

The Bourne Board of Health or its agent shall enforce this bylaw.

One method of enforcement may be periodic, unannounced inspections of those establishments subject to these regulations.

Any citizen who desires to register a complaint under these regulations may do so by contacting the Bourne Board of Health.

Whoever violates any provision of this bylaw, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint. Any fines imposed under the provisions of this bylaw shall inure to the Town of Bourne for such use as the Town may direct.

Each day on which any violation exists shall be deemed to be a separate offense.

Section 3.12.7 Severability.

If any paragraph or provision of this bylaw is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

Section 3.12.8 Other Applicable Laws.

This bylaw shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable health, safety or fire codes, regulations or statutes.

Section 3.12.9 Effective Date.

This bylaw will be effective on July 1, 2001 or upon approval by the Office of the Attorney General of the Commonwealth of Massachusetts, whichever date is the later. *

NOTE: * Various changes amended by Article 17, 2001 ATM

Article 3.13 Development Mitigation

Section 3.13.1

Any Town Board, including, but not limited to the Planning Board and Zoning Board of Appeals, may as a condition of any permit or any approval otherwise required for any proposed development, require the payment of a development impact fee. The

development impact fee may be imposed only upon construction, enlargement, expansion, substantial rehabilitation, or change of use of a development. The development impact fee shall be used for the purposes of defraying the costs of capital facilities to be provided or paid for by the Town and which are caused by and necessary to support or compensate for the proposed development. Such capital facilities may include the costs related to the provision of equipment, infrastructure, facilities or studies associated with the following: libraries; municipal offices; water supply; sewers; storm water management and treatment; pollution abatement; solid waste processing and disposal; traffic mitigation; public transportation; child care; parks, playgrounds, and other recreational facilities; affordable housing; or other capital improvements.

The imposition of a development impact fee shall not prevent the Town from imposing other fees which it may otherwise impose under local ordinances and/or bylaws.

Section 3.13.2

No development impact fee shall be imposed upon: i) dwelling units that will remain affordable for a period of at least 99 years to households at or below 80 percent of the area median income as most recently defined by the United States Department of Housing and Urban Development; or ii) residential development where at least 25 percent of the dwelling units will remain affordable for a period of at least 99 years to households at or below 80 percent of the area median income as most recently defined by the United States Department of Housing and Urban Development; provided in either case that such units or developments have not applied for or received a comprehensive permit under Massachusetts Law Chapter 40B Sections 20-23.

The fee shall not be expended for personnel costs, normal operation and maintenance costs, or to remedy deficiencies in existing facilities, except where such deficiencies are exacerbated by the new development, in which case the fee may be assessed only in proportion to the deficiency so exacerbated.

Section 3.13.3

Prior to the imposition of the development impact fees, the Town shall complete a study that (i) analyzes existing capital improvement plans or the facilities element of a plan adopted under Massachusetts General Law Chapter 41 Section 81D; (ii) estimates future development based on the then current zoning ordinances and bylaws; (iii) assesses the impacts related to such development; (iv) determines the need for capital facilities required to address the impacts of the estimated development including excess facility capacity, if any, currently planned to accommodate future development; (v) develops cost projections for the needed capital facilities and documents costs from existing facilities with planned excess capacity; and (vi) establishes the amounts of any development impact fees authorized in accordance with a methodology determined pursuant to this study. The study shall be updated periodically to reflect actual development activity, actual costs of infrastructure improvements completed or underway, plan changes, or amendments to the zoning ordinances or bylaws.

Section 3.13.4

The development impact fee shall be determined by using the study described in Section 3.13.3. The fee shall be roughly proportionate to the impacts created by the development

as determined by the study described in Section 3.13.3. The purposes for which the fee is expended shall reasonably benefit the proposed development. The fee may not be assessed more than once for the same impact, nor may the fee be assessed for impacts, or portions thereof, offset by other dedicated means, including state or federal grants or contributions made by the applicant undertaking the development.

Section 3.13.5

Said payment of the development impact fee may be in cash or cash equivalent, including the transfer of title of real estate located within the Town, under such terms and conditions as the Town Board shall determine to be appropriate under the circumstances. No occupancy permit shall be issued unless or until the provisions of the Bylaw have been satisfied and the Board of Selectmen have notified the Building Inspector in writing that they have approved the terms and conditions of the development impact fee.

Section 3.13.6

The imposition of a development fee as well as the amount of the development impact fee assessed may be appealed by petitioning a court of competent jurisdiction for certiorari pursuant to Mass. Gen. L. Ch. 249 § 4.

Section 3.13.7

This Bylaw shall become effective after it has been approved by Town Meeting and approved by the Attorney General's Office. The effective date of this Bylaw shall be the date that the publishing requirements of Massachusetts General Laws Chapter 40, Section 32 have been satisfied."

Article 3.14 Demolition of Historic Structures

Section 3.14.1 Intent and Purpose

To preserve and protect historically significant buildings with the Town of Bourne that reflect distinctive features of the architectural, cultural, economic, political or social history of the Town.

The intent of the bylaw is not to permanently prevent demolition, but rather, to provide an opportunity to develop preservation solutions for properties threatened with demolition. The bylaw is intended to encourage property owners and townspeople to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them, and to limit the detrimental effect of demolition on the historical architectural resources of the Town.

To achieve these purposes, the Bourne Historical Commission is empowered to advise the Building Inspector with respect to the issuance of permits for demolition of significant buildings, and, where appropriate and consistent with the intent and purpose of this bylaw, to allow demolition under conditions designed to minimize the loss of distinctive features of significant buildings.

Section 3.14.2 Definitions

"Building" – any combination of materials forming a shelter for persons, animals, or property.

“Demolition-Total” – the act of pulling down, destroying, removing, razing, or moving an entire building or structure or the substantial destruction of a building or portion thereof, with the intent of completing the same. *

“Demolition-Partial” – the act of pulling down, destroying, removing, razing or moving any portion of a building or structure, including the removal of architectural elements, which define or contribute to the character of the structure. However, shall not include the replacement of windows, roof shingles or siding so long as the new materials are the architectural equivalent to the ones being replaced. *

“Demolition Permit” – any permit without regard to whether it is called a demolition permit, alteration permit, or building permit, if it involves total and partial demolitions. *

“Significant Building” – any building or portion thereof which in whole or in part is more than seventy-five (75) years old or is listed in the historical survey of the Town of Bourne and on file with the Bourne Historical Commission.

“Commission” – the Bourne Historical Commission.

“preferably preserved Significant Building” – any significant building which the Commission determines ought in the public interest to be preserved or rehabilitated rather than demolished.

“Building Inspector” – the person occupying the office of Inspector of Buildings or otherwise authorized to issue demolition permits.

Section 3.14.3 Procedures

- a. Upon receipt of an application for a demolition permit for any building, or portion thereof, the Building Inspector shall forward a copy thereof to the Town Planner within seven (7) days, and shall notify the applicant in writing of this action. No demolition permit shall be issued at that time.
- b. Within fourteen (14) days of receipt of a copy of an application for a demolition permit, the Town Planner shall make an Initial Determination as to the significance of the subject building. If the Town Planner determines that the building, or a portion thereof, meets one or more of the criteria of the above definition of “Significant Building,” then the Town Planner shall forward a copy of the application for a building permit to the Commission, and no demolition permit shall be issued at that time. If the Town Planner determines that the subject building does not meet one or more of the criteria of the above definition of “Significant Building,” or if the Town Planner fails to notify the Building Inspector of his determination within the said fourteen (14) days, the Building Inspector may, subject to the requirements of the State Building Code and any other applicable law, bylaws, rules and regulations, issue a demolition permit.
- c. If the Town Planner determines that the subject building, or a portion thereof, meets one of more of the criteria of the above definition of “Significant Building,” the Commission shall within thirty (30) days of its receipt of a copy of an application

for its demolition, conduct a public hearing to determine whether the Significant Building is preferably preserved; the Commission shall give notice of said hearing by publishing notice of the time, place and purpose of the hearing in a local newspaper at least fourteen (14) days before said hearing. A copy of said notice shall be mailed to the applicant, to the owner of the premises on which the Significant Building is located (if other than the applicant) to the owners of all abutting property as they appear on the most recent tax list, and to such other persons as the Commission shall deem entitled to notice. *

- d. If, after a public hearing, the Commission determines that demolition of the Significant Building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the applicant, the owner, if other than the applicant, and the Building Inspector, in writing, within fourteen (14) days of such determination. Upon receipt of such notice, or upon the expiration of fourteen (14) days from the date of the close of the Commission's public hearing, without having received any notification from the Commission, the Building Inspector may, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue a demolition permit for the subject building.
- e. If, after the public hearing, the Commission determines that demolition of the Significant Building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered to be a preferably preserved building, and the Commission shall so advise the applicant, the owner if other than the applicant, and the Building Inspector, in writing, within fourteen (14) days, and no demolition permit shall be issued until twelve (12) months after the date of such determination by the Commission.
- f. During the twelve (12) month delay period following the Commission's determination that a building is to be considered preferably preserved, the Commission shall notify the Massachusetts Historical Commission, the Town Planner, the Cape Cod Commission, and any other interested party in an effort to obtain assistance in obtaining preservation funding or in finding an adaptive use of the building which will result in its preservation.
- g. Notwithstanding the preceding paragraphs, the Building Inspector may issue a demolition permit for a preferably preserved significant building at any time after receipt of written advice from the Commission to the effect that
 - i. *the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or*
 - ii. *the Commission is satisfied that for at least six (6) months the owner has made continuing, bonafide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful;*
 - iii. *the Commission has determined that the proposed moving or demolition may be conducted in a specified manner so as not to be detrimental to the*

NOTE: * Various changes amended by Article 19, 2008 ATM

Section 3.14.4 Responsibilities of the Owner

Once a Significant Building is determined to be a preferably preserved building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to so secure the building, a subsequent destruction of the building at any time during the twelve (12) month delay period, which destruction could have been prevented by the required security measures, shall be considered a demolition in violation of the bylaw.

Section 3.14.5 Emergency Demolitions

Notwithstanding the following provisions, the Building Inspector may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions. Prior to doing so, the Building Inspector shall inspect the building and document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Commission.

Before allowing emergency demolition, the Building Inspector shall make every effort to inform the Chairman of the Commission of his intention to allow demolition before he issues a permit for emergency demolition.

Section 3.14.6 Enforcement and Remedies

- a. Except as provided below, whenever a significant building or any portion thereof has been voluntarily demolished in violation of this bylaw, and for a period of two years after the date of completion of such demolition, no building permit shall be issued with respect to any premises upon which such demolition has occurred. As used herein, "premises" includes the parcel of land upon which the demolished significant building was located.
- b. Notwithstanding the foregoing, whenever the Commission shall, on its own initiative, or on application of the landowner, determine that earlier reconstruction, restoration or other remediation of any demolition in violation of the bylaw better serves the intent and purpose of this bylaw, it may, prior to the expiration of said period of two (2) years, but no sooner than six (6) months from the date of completion of any demolition in violation of this bylaw, authorize issuance of a building permit, upon such conditions as the Commission deems necessary or appropriate to fulfill the purposes of this bylaw, and may so notify the Building Inspector pursuant to Section VII of this bylaw.

Article 3.15 Business Licenses

Section 3.15.1

Certificate. Any person conducting a business in the Town of Bourne under any title or name other than the actual given name of the person conducting the business, whether individually or as a general partnership, shall file with the office of the Town Clerk within thirty (30) calendar days after commencing business a certificate stating the full name and residence address of each person conducting such business, the place, including street number, where, and the title under which it is conducted, and shall amend and/or renew

said certificate from time to time as be necessary.

Section 3.15.2

Oath. Such certificate shall be executed under oath by each person whose name appears therein as conducting such business and shall be signed by each person in the presence of the Town Clerk or a person designated by the Town Clerk or in the presence of a person authorized to take oaths.

Section 3.15.3

Identity. The Town Clerk may request the person filing such certificate to produce evidence of his identity and, if such person does not, upon request, produce evidence thereof satisfactory to such Clerk, the Clerk shall enter a notation of that fact on the face of the certificate.

Section 3.15.4

Discontinuance. A person who has filed such a certificate shall, upon his/her discontinuing, retiring or withdrawing from such business or partnership, or in the case of a change of residence of such person or the location where the business is conducted, file in the office of the Town Clerk a statement under oath that he/she has discontinued, retired or withdrawn from such business or partnership or of such change of his/her residence or of the location of such business. In the case of the death of such person, such statement may be filed by the executor or administrator of his/her estate.

Section 3.15.5

Issuance/Renewal. A certificate issued in accordance with this section shall be in full force and effect for four (4) years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed.

Section 3.15.6

Availability. Copies of such certificates shall be available at the address at which such business is being conducted and shall be furnished on request during regular business hours to any person who has purchased goods or services from such business.

Section 3.15.7

Fees. Fees for filings under this section shall be those established pursuant to Massachusetts General Law Chapter 262; Section 34 or as adopted at any Annual or Special Town Meeting.

Section 3.15.8

Certificates. Certificates issued pursuant to this section shall be in lieu of those required under Massachusetts General Law Chapter 110; Section 5.

Section 3.15.9

Notice. The Town Clerk's office shall cause a notice to be sent via certified mail to the violator informing him/her of such violation and giving the violator thirty (30) calendar days in which to comply with this By-Law.

Section 3.15.10

Fine. Any person found to be in violation of this By-Law may be subject to the provision(s) of Massachusetts General Law Chapter 110; Section 5, by a fine of \$300.00 fine for each month during which such violation continues or subject to the Non-Criminal Violation Section 6.1.1 of the Town By-Laws by a fine of \$50.00 for each month during which such violation continues.

Section 3.15.11

Non-Criminal Violation Procedure. The non-criminal violation procedures of Section 6.1.2 of the Town of Bourne By-Laws may be used for the enforcement of the provisions of this By-Law.

NOTE: * Various changes amended by Article 24, 2010 ATM

Section 3.16.1

Single Use Plastic Bag Prohibition

Purpose and Intent

The production and use of single-use plastic bags have significant impacts on the marine and land environment of all coastal communities, including, but not limited to: contributing to the potential death of marine and terrestrial animals through ingestion and entanglement; contributing to pollution of the land and coastal environment; clogging our storm drainage systems; creating a burden to our solid waste collection and recycling operations; and requiring the use of millions of barrels of non-renewable, polluting, fossil fuel nationally for their manufacture. Therefore, the Town of Bourne seeks to phase out the use of single-use plastic bags by all retail establishments by **January 1, 2018**.

A plastic bag ban bylaw will provide an environmental benefit and significantly reduce – not increase pollution. This effect is further amplified when a plastic bag ban is paired with a price requirement of paper bags, with the main goal being overall reduction of all single-use bags. The purpose of this bylaw is to phase out the usage of single-use checkout bags by all retail and restaurant establishments in the Town of Bourne.

Definitions

“Establishment” means any business selling goods, articles, food or personal services to the public, including restaurants.

“Single-use plastic bags” means bags made of plastic, with integral handles, and thickness less than 3 mils, that are intended to be used for the transport of products purchased at an Establishment as defined herein.

“Reusable bag” means a bag that is specifically designed for multiple use and is made of cloth, fabric or other durable materials.

Use Regulations

Single-use plastic bags shall not be distributed or sold at any Establishment within the Town of Bourne. Existing stock of single-use plastic bags shall be phased out by January 1, 2018. Any remaining stock shall be disposed of properly by the Establishment.

Customers are encouraged to bring their own reusable shopping bags to stores. Establishments may provide reusable bags at no charge, or charge a reasonable fee for each paper or other bag, as they so desire. Establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

Thin-film plastic bags used by Establishments to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are exempt from the provisions of the bylaw.

Administration and Enforcement

This bylaw may be enforced by any Town police officer or agents of the Bourne Board of Health.

This bylaw may be enforced through any lawful means in law or in equity, including, but not limited to non-criminal disposition pursuant to M.G.L. c. 40, §21D and appropriate chapter of the Town's General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provisions of the bylaw shall be subject to the following penalties:

First Offense: \$50 fine

Second Offense: \$100 fine

Third and subsequent Offense: \$200 fine

Each day shall constitute a separate offense.

CHAPTER 4

INSPECTION AND DEVELOPMENT REGULATIONS

Article 4.1 Department of Inspections

Section 4.1.1

Officers. There shall be a Department of Inspections under the supervision of the Inspector of Buildings. This Department shall include the Inspector of Buildings, the Inspector of Wires, the Gas Inspector, the Plumbing Inspector, and Public Weighers.

Section 4.1.2

Appointments. The Inspector of Buildings, Inspector of Wires and Public Weighers shall be appointed annually by the Town Administrator and shall hold office for the term of one (1) year or until such time as their successors are appointed. The compensation of such officers shall be established by the Town Administrator. The Plumbing Inspector and Gas Inspector shall be appointed by the Inspector of Buildings in accordance with applicable state law.

NOTE: * Various changes amended by Article 21-18, 2002 ATM

Section 4.1.3

Duties. The duties of such officers shall be as from time established by state law and such additional duties as shall be set forth herein.

Article 4.2 Commonwealth of Massachusetts State Building Code

Section 4.2.1

Purpose. The purpose of the bylaw is to make provisions complimentary to those of the Commonwealth of Massachusetts' State Building Code ("Basic Code") in order to ensure its appropriate application and effective administration in the Town of Bourne.

Section 4.2.2

Record-Keeping. The Inspector of Buildings shall keep consolidated records of all inspections made pursuant to the Basic Code or any other bylaw or regulations concerning the erection, alteration and demolition of the buildings within the Town.

Section 4.2.3

Permit Fees. A schedule of fees for permits as authorized under Section 118.0 of the Basic Code shall be established and revised from time to time by the Board of Selectmen.

Section 4.2.4

Fire Districts. The entire Town shall be designated as "Outside Fire Limits", as referred to in Section 301.3 of the Basic Code.

Article 4.3 Inspector of Wires

Section 4.3.1

Record Keeping. The Inspector of Wires shall submit to the Selectmen such statements and information in regard to the matters within his jurisdiction as they may from time to time require. He shall keep a full and complete record of his inspection in duplicate, one copy of which shall be filed with the Town Clerk in January of every year, and one copy retained by him as the permanent record of his office.

Section 4.3.2

Installation of Electricity-Carrying Devices. No person shall install wires, conduits, apparatus, fixtures or other appliances for carrying electricity for light, heat or power within or connected to any building, without first notifying the Inspector of Wires, in writing, of the proposed installation. Whoever violates this bylaw shall be punished by a fine of not more than twenty dollars.

Section 4.3.3

Electric Service Entrance Equipment. All electric service entrance equipment, installed in or on any structure for the purpose of providing a point of attachment to a source of supply of electric energy, its metering, its disconnection means and its protective devices, shall be installed in or on any structure only by a properly licensed electrician.

Article 4.4 Gas Inspector

Section 4.4.1

Installation of Gas Devices. No person shall install, repair or modify gas pipes, apparatus, fixtures or other appliances without first notifying the Gas Inspector in accordance with applicable laws and regulations.

Article 4.5 Numbering of Buildings

Section 4.5.1

Placement. Every building used for a dwelling house or a place of business in the Town of Bourne shall bear in a conspicuous place on the portion of the building facing the street, or if not readable from the street, on a suitable post or object at least three (3) feet above the ground, the number assigned to it by the Town Engineering Office in at least four (4) inch, Arabic style numbers contrasting with the background. If the number appears on a post or object, said object must be located at the entrance to the driveway or access way serving the building so as to be visible from the street of which the number is assigned. Each entrance to a multiple unit dwelling must bear a suitable number or letter as specified in this bylaw. Such numbers shall be affixed by the owner prior to occupancy of new structures, or prior to any inspections required by any permits, or within three months of notification of assignment in the case of existing buildings. Any pre-existing conflicting numbers shall be removed within the same time limit.

NOTE: * Various changes amended by Article 26, 2002 ATM

Section 4.5.2

New Buildings. Prior to the application for a building permit for a dwelling house or place of business, the applicant shall obtain the correct street number from the Town Engineering Office. This street number shall appear on such application for a building permit.

Section 4.5.3

Violations. This shall be enforced by the Inspector of Buildings or any member of the Police Department. Any person who fails to affix an assigned street number or who unlawfully removes, defaces or changes a number affixed to a building under this bylaw, or affixes thereto a number other than that assigned to it by the Town Engineering Office, shall be punished by a fine of not more than twenty dollars.

[Article 4.6 Sealer of Weights and Measures deleted]*

NOTE: * Various changes amended by Article 22, 2002 ATM

CHAPTER 5

OTIS AIR FORCE BASE APPROACH BY-LAW **Deleted by Article 21, 2007 ATM**

CHAPTER 6

VIOLATIONS

Article 6.1 Violation of Bylaws

Section 6.1.1

Penalties. Except where otherwise provided, any person violating any of the provisions of these bylaws shall be subject to a penalty of not less than fifty dollars nor more than three hundred dollars for each offense. Each day that the offense continues shall be considered a separate offense.*

NOTE: * Various changes by Article 11, 2011 May ATM.

Section 6.1.2

Non-Criminal Violation Procedures. Police Officers, Fire Fighters, Board of Health Agent, Natural Resources Officers/The Harbormaster/ Shellfish Constable of their deputies, taking cognizance of a violation, of a specific bylaw rule or regulation which he or she is empowered to enforce, hereinafter referred to as the enforcing person(s), as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof at any time during office hours, not later than twenty-one days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged and the time and place for his/her required appearance. Such notice shall be signed by the enforcing person, and shall be signed by the offender whenever practicable, in acknowledgement that such notice has been received. Any notice and enforcement of violation shall be in accordance with the provisions of Massachusetts General Law, Chapter 40, Section 21D.

CHAPTER 7

STANDING VOTES OF THE TOWN

Article 7.1 The Votes

Section 7.1.1

Attorney as School Bargaining Representative. The Town does authorize the school committee, in accordance with General Laws Chapter 149, Section 1781 as amended by Chapter 633 of the Acts of 1968, to designate an attorney as a representative of the school committee for the purpose of bargaining with employee organizations for school employees.

Article 8.1 Community Preservation Committee *

Section 8.1.1

Membership of the Committee. There is hereby established a Community Preservation Committee consisting of nine (9) voting members pursuant to the provisions of G.L., c.44B, §5. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows: one member of the Conservation Commission as designated by said Commission; one member of the Historical Commission as designated by said Commission; one member of the Planning Board as designated by said Board; one member of the Recreation Committee, as designated by the Committee; one member of the Housing Authority as designated by said Authority; four members as designated by the Open Space Committee. Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Should any of the officers and commissions, boards, or committees who have appointing authority under this bylaw be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

Section 8.1.2

Duties. The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with

existing municipal boards, including the conservation commission, the historical commission, the planning board, the department of public works, and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one annual public informational hearing, or more at its discretion, on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

The community preservation committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

The community preservation committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation

In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 70 % of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use), not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10% of the annual revenues in the Community Preservation Fund for community housing.

Section 8.1.3

Requirement for a Quorum and Cost Estimates. The community preservation committee shall comply with the provisions of the Open Meeting Law, G.L. c.39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the community preservation. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated costs.

Section 8.1.4

Amendments. This bylaw may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of G.L. c.44B.

Section 8.1.5

Severability. In case any section, paragraph or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall

continue in full force and effect.

Section 8.1.6

When Effective. Provided that the Community Preservation Act, MGL c. 44B, is accepted at the 2005 Annual Town election, this section shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL .c. 40, section 32 have been met. Each appointing authority shall have thirty (30) days after the effective date to make its appointments.

NOTE: * Various changes amended by Article 8, 2004 Nov STM

ACTS OF THE LEGISLATURE
ACCEPTED BY THE TOWN

1. Acts of 1884, Chapter 127, An Act to Incorporate the Town of Bourne. Accepted April 11, 1884.
2. Acts of 1890, Chapter 347, An Act to Promote the Establishment and Efficacy of Free Public Libraries (as extended and amended, now G.L. c.78 14-19 inc.) Accepted March 2 1891.
3. Acts of 1888, Chapter 304, relating to the choice of Boards of Trustees of Public Libraries (as amended, now G.L. c. 78 10-13 inc.) Accepted April 28, 1891.
4. Acts of 1890, Chapter 386, relating to the election of town officers (as amended and considerably modified, G.L. c. 41, 6,7). Accepted September 17, 1891.
5. Acts of 1888, Chapter 431, relating to the Superintendents of Schools for districts composed of more than one town (now G.L. c. 71, 60, 63, 64 & 65). Accepted May 28, 1892.
6. Public Statutes, Chapter 51, relating to Betterments, (now G.L. c. 80, which applies to all towns whether accepted or not). Accepted March 6, 1893.
7. Acts of 1895, Chapter 374, relating to the election of a Surveyor of Highways (now contained in G.L. c. 41, 1 & 62). Accepted March 2, 1896.
8. Acts of 1897, Chapter 254, relating to the prevention of fires in woodlands (now contained in G.L. c. 40, 11). Accepted July 21 1897.
9. Public Statutes, Chapter 82, 17, relating to the deposit of funds with the town for the care of burial lots (now G.L. c. 114, 19). Accepted March 6, 1899.
10. Revised Laws, Chapter 48, 105, relating to the taking of land for road material (now G.L. c 83, 38). Accepted March 2, 1903.
11. Revised Laws, Chapter 11, 353, relating to the establishment of precinct voting (now G.L. c. 39 20). Accepted March 11, 1905.
12. Revised Laws, Chapter 91, 85, relating to the regulation of the taking of eels and shellfish (now G.L. c. 130, 84). Accepted March 6, 1906.
13. Acts of 1908, Chapter 209, relating to the protection of forest and sproutlands from fire (repealed by St. 1916, c. 51). Accepted March 2, 1909.
14. Acts of 1909, Chapter 514, 42, as affected by Acts of 1911, Chapter 494, establishes an eight hour day for town employees (now G.L. c. 149, ~30, 31). Accepted March 2, 1914.

15. Acts of 1913, Chapter 407, relating to the promotion of call men in the fire departments (now G.L. c. 48 ~36). Accepted March 2, 1914.
16. Acts of 1913, Chapter 807, relating to the compensation of certain town employees for injuries sustained in public employment (now G.L. c. 152, 69-75 inc.). Accepted March 2, 1914.
17. Accepted the Acts of 1913, Chapter 666, to raise and appropriate annually a sum of money not to exceed \$1,000 to be expended under the direction of the selectmen for the purpose of promoting the interests of the town by advertising its attractions, advantages and resources. Accepted March 2, 1914, Art 48, ATM.
18. Revised Laws, Chapter 33, 28, relating to a Field Driver using his own premises for impounding beasts distrained (now G.L. distrained (now G.L. c. 49, 28). Accepted March 2, 1914.
19. Acts of 1916, Chapter 293, relating to licensing of motor vehicles carrying passengers for hire, (now G.L. c. 159, 45-47 inc. which applies to all towns, whether accepted or not). Accepted March 2, 1917.
20. Acts of 1916, Chapter 59, relating to the holding of annual town meetings (now G.L. c. 39, 23). Accepted March 2, 1917.
21. Acts of 1916, Chapter 153, relating to the license fee for slaughter houses (now G.L. c. 94 120). Accepted March 2, 1917.
22. Acts of 1916, Chapter 240, 1, relating to the hours of labor of public employees (now G.L. c. 149, 30). Accepted March 2, 1917.
23. Acts of 1917, Chapter 254, relative to payment of salaries to employees in military service (a temporary act, not now in force). Accepted March 4, 1918.
24. General Laws Chapter 41, 97, relating to the establishment of a police department under the direction of the Selectmen. Accepted March 7, 1921.
25. General Laws, Chapter 41, S 25A, relating to the appointment of Assistant Assessors. Accepted March 6, 1922.
26. General Laws, Chapter 41 70-72 inc. relating to Planning Boards. Accepted March 3, 1924.
27. General Laws, Chapter 41, 73-75 inc., relating to Boards of Survey. Accepted March 3, 1924.
28. General Laws, Chapter 48, 45-49 inc. and 52-56 inc., relative to Fire Departments. Accepted March 2, 1925.
29. General Laws, Chapter 45, 2, as amended by Acts of 1924, Chapter 209, relative to

Park Commissioners. Accepted March 2, 1925.

30. General Laws, Chapter 40, 12, relative to the establishments of bathing beaches. Accepted March 1, 1926.
31. Special Acts 1930, Chapter 228, approved April 18, 1930 under G.L., Chapter 88, 14, relative to piers and wharves.
32. General Laws, Chapter 48, Sections 42, 43, 44 relative to establishing a Fire Department. Accepted March 7, 1932.
33. General Laws, Chapter 143, Sections 6-12, relative to the removal or repair of buildings dangerous to life or limb, especially unsafe in case of fire. Accepted February 4, 1935.
34. General Laws (Ter.Ed.) Chapter 139, Sections 2 & 3, relative to the disposal of burnt, dilapidated buildings. Accepted May 27, 1935.
35. General Laws, Chapter 40, Section 12, relative to the purchase or leasing land. Accepted February 6, 1939.
36. General Laws (Ter.Ed.) Chapter 31, Section 48, relative to the Police Department. Accepted February 8, 1943.
37. General Laws (Ter.Ed.) Chapter 31, Section 49, relative to the Chief of Police. Accepted February 8, 1943
38. General Laws, (Ter.Ed.) Chapter 152, Section 69, relative to Workmen's Compensation. Accepted February 14, 1944.
39. General Laws, (Ter.Ed.) Chapter 31, Section 48, relative to Fire Department. Accepted February 16, 1944.
40. General Laws. (Ter.Ed.) Chapter 31, Section 49A, relative to the Chief of the Fire Department. Accepted February 16, 1944.
41. General Laws (Ter.Ed.) Chapter 85, Section IIA, as amended by Chapter 710 of the Acts of 1941, relative to the registration and operation of bicycles. Accepted February 12, 1945.
42. General Laws, as amended, Chapter 211, Acts Of 1936, relative to Municipal Planning. Accepted February 12, 1945.
43. Acts of 1946, Chapter 1, relative to celebrating the return of men and women in Armed Services. Accepted February 14, 1946.
44. General Laws, Chapter 71, relative to equal pay for men and women teachers. Accepted February 12, 1947.

45. General Laws, Chapter 32, Sections 1 to 28 inc. relative to contributory retirement system for employees. Accepted November 5, 1946.
46. General Laws, Chapter 40. Section 13, relative to Municipal Building Insurance Fund. Accepted February 9, 1948.
47. Acts of 1948, Chapter 200, relative to Veterans Housing. Accepted June 21, 1948.
48. Acts of 1947, Chapter 282, Sections 1, 2 and 3 relative to the suppression and eradication of poison ivy. Accepted September 28, 1948.
49. General Laws, Chapter 40, Section 6B, relative to Police and Fire uniforms. Accepted February 3, 1950.
50. General Laws, Chapter 33, Section 59, relative to service in the Armed Forces. Accepted 1951 ATM.
51. General Laws, Chapter 54, Section 103A as amended by Chapter 77, Acts of 1937, relative to absent voting. Accepted February 7, 1938. Rescinded February 14, 1944. Accepted February 12, 1951.
52. Acts of 1950, Chapter 783, relative to retirement. Accepted February 12, 1951.
53. Acts of 1950, Chapter 820, relative to retirement. Accepted February 12, 1951.
54. Acts of 1939, Chapter 425, Section 54, relative to members of the organized reserve of the Army of the United States. Accepted February 12, 1951.
55. Acts of 1951, Chapter 781, relative to increasing pension and retirement. Accepted February 11, 1952.
56. Acts of 1952, Chapter 124, relative to advertising Town. Accepted February 9, 1953.
57. General Laws, Chapter 148, Section 56, relative to licensing of open-air spaces. Accepted February 9, 1953.
58. Acts of 1952, Chapter 624, relative to increasing retirement. Accepted February 9, 1953.
59. Acts of 1954, Chapter 231, relative to abandoned well or wells in use. Accepted February 14, 1955.
60. Chapter 40, Section 6C of General Laws relative to the removal of snow and ice from private ways. Accepted February 16, 1955.
61. Chapter 147 of General Laws, Section 16C as amended by Chapter 346, Section 1 of the Acts of 1951, relative to the establishment of a five day week for the Police

Department. Accepted February 14, 1955.

62. Acts of 1955, Chapter 670, relative to increasing the amounts of pensions, retirement allowances and annuities payable to certain former employees. Accepted February 13, 1956.
63. General Laws, Chapter 143, Section 3, relative to Construction, Alteration and Maintenance of Buildings. Accepted February 13, 1956.
64. Chapter 32B, General Laws, relative group life and medical insurance. Accepted February 11, 1957.
65. General Laws, Chapter 40, Section 5B, relative to creating a stabilization fund. Accepted February 9, 1959.
66. General Laws, Chapter 130, Section 52, relative to rules and regulations concerning taking of shellfish, eels, and seaworms. Accepted February 9, 1959.
67. Acts of 1959, Chapter 493, relative to increasing the amount of pensions and retirement allowances payable to certain former public employees. Accepted March 9, 1960.
68. General Laws, Chapter 14, Section 4A, relative to Jonathan Bourne Library janitor. Accepted March 9, 1960.
69. General Laws, Chapter 136, Section 4B, relative to granting Licenses for the operation of bowling alleys on the Lord's Day. Accepted March 9, 1960.
70. Chapter 32B, Section 9A, General Laws, relative to town paying one-half of premium of retired employees. Accepted March 9, 1960.
71. General Laws, Chapter 90, Section 51E, relative to establishing three-man Airport Commission. Accepted March 6, 1961.
72. Acts of 1960, Chapter 737, relative to the appointment of an inspector of gas piping and gas appliances. Accepted March 6, 1961.
73. General Laws, Chapter 40, Section 8C, relative to the establishing of a conservation commission. Accepted March 6, 1961.
74. Acts of 1960, Chapter 647, relative to increasing the pensions and retirement allowances payable to certain public employees and widows of certain deceased former public employees. Accepted March 6, 1961.
75. Chapter 32B, Section 11A, of the General Laws, relative to the town purchasing additional group life insurance and accidental death and dismemberment insurance for employees with no premium contribution by the town. Accepted March 7, 1962.

76. General Laws, Chapter 40, Section 8A, as established by Chapter 297, of the Acts of 1954, and amended by Chapter 102, of the Acts of 1955, relative to establishing a development and industrial commission. Accepted June 4, 1962.
77. Acts of 1962, Chapter 782, relative to construction of roads. Accepted March 4, 1963.
78. General Laws, Chapter 71, Section 14, relative to special unpaid committee to be known as a "Regional Vocational School District Planning Committee" to consist of three members. Accepted March 6, 1963.
79. Chapter 32B, Section 10, of the General Laws, relative to the town extending contributory group medical insurance to elderly retired town employees and their dependents with 50% of the premium cost to be paid by the town. Accepted March 6, 1963.
80. Acts of 1954, Title VII, Section 701, relative to purpose of conducting, planning, and development studies. Accepted March 2, 1964.
81. General Laws, Chapter 50, Section 5 (51), as amended relative to the Conservation Fund. Accepted March 2, 1964.
82. Acts of 1963, Chapter 478, relative to providing increases in the amount of pensions and retirement allowances payable to certain retired town employees. Accepted March 2, 1964.
83. Sections 16 and 161, Chapter 71 of General Laws, relative to establishment of regional school district. Accepted April 13, 1964. Amended August 18, 1964; amended April 24, 1967.
84. Acts of 1964, Chapter 486, relative to increasing the amount of pensions and retirement allowances payable to certain public employees. Accepted March 1, 1965.
85. General Laws, (Ter.Ed.) Chapter 121, Section 26K, relative to establishing a Housing Authority. Accepted March 1, 1965.
86. General Laws (Ter.Ed.) Chapter 41, Section 55 relative to the abolishing of the office of Town Auditor. Accepted March 1, 1965.
87. General Laws, Chapter 54, Section 6, relative to precinct voting. Accepted March 1, 1965 and December 13, 1965.
88. General Laws, Chapter 39, Section 20, establishing precinct voting for Town Elections. Accepted March 7, 1966.
89. General Laws, Chapter 41, Section 97A, relative to regulation of the Police Department. Accepted March 7, 1966.
90. General Laws, Section 69, Chapter 162 as amended by Chapter 401 of the Acts of

1966 regarding Workmen's Compensation to include coverage of certain elected or appointed municipal officers. Accepted March 6, 1967.

91. Chapter 130, Section 8A, relative to enforcing certain Marine Fisheries Laws by Police Officers. Accepted March 6, 1967.
92. General Laws, Chapter 121, Section 26QQ as amended, to establish a Redevelopment Authority. Accepted May 2, 1967.
93. Chapter 71, Section 14, of General Laws as amended relative to establishing a Regional School District Planning Committee. Accepted March 4, 1968.
94. Acts of 1970, Chapter 820, relative to creating the Bourne Recreation Authority. Accepted by the 1970 November Special Town Meeting, Article 1.
95. General Laws, Chapter 41, Section 108L, relative to establishing a career incentive pay program for police officers. Accepted by the 1971 Annual Town Meeting, Article 50.
96. General Laws, Chapter 32B, Section 8A, relative to distribution of group insurance dividends to insured employees. Accepted by the 1971 Annual Election, Question 3.
97. General Laws, Chapter 40, Section 8D, relative to establishing an Historic Commission. Accepted by the 1972 Annual Town Meeting, Article 75.
98. General Laws, Chapter 90, Section 20C relative to Violation of Parking Regulations: Notice Appearance; Schedule of Fines; Proceedings not Criminal. Accepted by the 1973 Annual Town Meeting, Article 26.
99. General Law, Chapter 48, Section 58D, relative to a forty-two hour work week for permanent members of fire departments. Accepted by the 1973 Annual Election, Question.
100. Chapter 74 of the Acts of 1973 relative to the borrowing of money for construction of the Marina at Taylor's Point.
101. Act of the General Court, 1973, establishing the Old King's Highway Regional Historic District and the Old King's Highway Regional Historic Commission in Barnstable County. Accepted at the November 4, 1974, State Election.
102. General Laws, Chapter 32, Section 90C, relative to increasing the retirement allowances for certain former employees of the town. Accepted by the 1974 Annual Town Meeting, Article 12. excise at the rate of four (4%) percent, effective July 1, 1986. Accepted May 12, 1986.
103. General Laws, Chapter 40, Sections 6J and 6L relative to purchasing and/or renting uniforms and work clothes including rubber boots. Accepted by the 1974 Annual Town Meeting, Article 61.
104. Chapter 67, Acts of 1973, relative to scenic roads. Accepted by the 1975 Annual

Town Meeting, Article 36.

105. Chapter 332, Section 6M Acts of 1975, relative to Repair of Private Ways. Accepted by the 1976 Annual Town Meeting, Article 14.
106. Chapter 551, Acts of 1975, Section 6N, relative to Repair of Private Ways by Cities and Towns. Accepted by the 1976 Annual Town Meeting, Article 15.
107. Chapter 32B, Section 7A, relative to payment of subsidiary or additional rate for insurance for employees and dependents. 1980 Annual Town Election.
108. Chapter 138 Section 17A, relative to the grant of additional year round all alcoholic beverage licenses. Accepted by the Special Town Meeting of January 4, 1979, Article 6.
109. Chapter 41, Section 100G, regarding payment by the town for burial and funeral expenses of certain fire and police personnel killed in the line of duty. Accepted September 29, 1980. Article 2, STM.
110. General Laws, Chapter 90, Section 20A1/2, relative to providing for the appointment of a parking clerk, establishing a schedule of parking fines, and providing for the local collection of parking fines. Accepted under Article 4 of the October 1981 STM.
111. Section 1 of Chapter 597 of the Acts of 1982, providing for exemption from motor vehicle excise tax for former prisoners of war. Accepted 1983 STM, Article 13.
112. General Laws, Chapter 258, Section 13, relative to indemnification of public employee for personal damages sustained. Accepted Question#1 1981 Annual Town Election.
113. Chapter 606 of the Acts of 1981 adding Section 12B to Chapter 138 of General Laws, regarding nudity or partial nudity. Accepted 1984 ATM, Article 21.
114. General Laws, Chapter 71, Section 40, relative to minimum teacher's salary of \$18,000. Accepted May 12, 1986 ATM, Article 45.
115. General Laws, Chapter 64G, Section 3A, imposing a local room occupancy 1986 ATM, Article 48.
116. General Laws, Chapter 640, Acts of 1985, relative to the granting or renewing of certain licenses and permits in cities and town. Accepted May 12, 1986 ATM Article 67.
117. General Laws, Chapter 148, Section 28-C, requiring heat detectors in certain dwellings. Accepted May 12, 1986 ATM, Article 70.
118. General Laws, Chapter 148, Section 26-E, requiring certain buildings or structures to be equipped with smoke detectors. Accepted May 12, 1986 ATM, Article 71.

119. Chapter 188, Section 12, Acts of 1985, relative to Equal Educational Opportunity Grant or Grants for the Upper Cape Cod Regional Vocational School. Accepted October 1986 STM, Article 13.
120. Chapter 632, Section 5, Acts of 1985, to amend Section 22D, Chapter 40, providing for enforcement of handicapped parking regulation. Accepted May 1987 ATM, Article 38.
121. General Laws, Chapter 41, Section 41B, direct deposit of paychecks. Accepted May 1988 ATM, Article 71.
122. General Laws, Chapter 59, Section 57B, interest on real estate and personal property tax. Accepted May 1988 ATM, Article 74.
123. Chapter 188, Section 12, Acts of 1985, relative to Equal Educational Opportunity Grant or Grants for the Upper Cape Cod Regional Vocational-Technical School. Accepted May 1988 ATM, Article 22.
124. Chapter 188, Section 12, Acts of 1985, relative to Equal Educational Opportunity Grant or Grants for the Bourne School System. Accepted May 1988 ATM, Article 23.
125. Chapter 727, Acts of 1987 (Chapter 71, Section 40), relative to raising teachers salaries to \$20,000.00. Accepted May 1988 ATM, Article 24.
126. Chapter 194, Acts of 1986, relative to a scholarship fund through a voluntary checkoff on municipal and motor vehicle excise tax bills. Accepted May 1987 ATM, Article 87.
127. Chapter 40, Section 39K (Added by Chapter 306 of the Acts of 1986), establishing an "Enterprise Fund" for municipal sewerage and septage treatment. Accepted 1988 STM, Article 10.
128. Chapter 59, Section 5, Clause 41B, eligibility requirements for property tax exemptions for persons over 70. Accepted 1989 ATM, Article 36.
129. Chapter 188, Section 12, Acts of 1985, Equal Educational Opportunity Grant. Accepted 1989 ATM, Article 38.
130. Chapter 262, Section 34, Town Clerk's Fee Schedule. Accepted 1989 ATM, Article 71. Accepted 2011 ATM, Article 30
131. Chapter 71, Section 71E, which provides for expenditure without further appropriation of receipts from adult education, continuing education, summer school, community school programs, and in connection with the use of school property. Accepted 1989 ATM, Article 16.
132. Chapter 32, Section 22D (as added by Acts of 1987, Chapter 697, Section 76) Funding System. Accepted 1990 STM, Article 4.

133. Chapter 131, Section 40 as amended, specifically 310 CMR 10:03 (7) Receipts Reserved for Appropriation Account. Accepted 1990 ATM, Article 18.
134. Chapter 188, Section 12, of the Acts of 1985, Equal Educational Opportunity Grant. Accepted 1990, ATM, Article 23.
135. M.G.L. Chapter 121B, Section 4, abolish Bourne Redevelopment Authority. Accepted 1991 ATM, Article 36.
136. M.G.L. Chapter 40, Section 8G, Mutual Aid. Accepted 1991 ATM, Article 38.
137. Chapter 291 of the Acts of 1990, which provides for Enhanced E-911 Networks and Components. Accepted 1991 ATM, Article 41.
138. M.G.L. Chapter 59, Section 57C, Quarterly Tax Bills. Accepted 1991 STM, Article 2.
139. M.G.L. Chapter 262, Section 34 (79), Filing Fee for Declaration of Homestead in a mobile home. Accepted 1992 STM, Article 7.
140. Chapter 138, Section 122, Acts of 1991, Medicare Health Benefits. Accepted 1992 ATM, Article 26.
141. Chapter 59, Section 5, Clause 41C, Property Tax Exemption. Accepted 1992, ATM, Article 29.
142. M.G.L. Chapter 41, Section 38A Outstanding Sewer Use Charges. Accepted 1992 ATM, Article 31.
143. M.G.L. Chapter 83, Section 16B and 16F Lien Annual Sewer Charges. Accepted Article 25, 1992 STM.
144. General Laws, Chapter 121B, Section 4, Establishing a Redevelopment Authority. Accepted May 10, 1993 STM, Article 6.
145. General Laws, Chapter 44, Section 53E1/2, Establishing a Revolving Fund known as "Shellfish Propagation Fund". Annual reauthorization required. Accepted 1993, ATM, Article 17.
146. General Laws, Chapter 48, Section 36A regarding appointment of members of the call fire department to regular or permanent fire service. Accepted 1993 ATM, Article 39.
147. General Laws, Chapter 44, Section 53E1/2, establishing a Revolving Fund known as "Landfill Closure, Post-Closure or Corrective Action Fund". Accepted 1993 ATM, Article 53(A).
148. General Laws, Chapter 44, Section 53E1/2, establishing a Enterprise Fund known as "Landfill Closure, Post-Closure or Corrective Action Fund". Accepted 1993 ATM, Article 53(B).

149. General Laws, Chapter 453, Section 9A, Final Date for obtaining and submitting nomination papers. Accepted October 1993 STM, Article 15.
150. General Laws, Chapter 41, Section 1 and 2, Reduce School Committee Membership. Accepted October 1993 STM, Article 25.
151. General Laws, Chapter 71, Section 83, Acts of 1993, as amended, known as Early Retirement Incentive Program for the members of the Massachusetts Teachers' Retirement System. Accepted May 1994 STM, Article 5.
152. General Laws, Chapter 151 of the Acts of 1993 Rental of School Facilities shall remain in said account at the close of the fiscal year and may be expended for upkeep and maintenance. Accepted 1995 ATM, Article 28.
153. M.G.L. Chapter 44, Section 53E1/2 Revolving Fund known as the "Composting Bins Fund." Annual re-authorization required. Accepted 1995 ATM, Article 5.
154. M.G.L. Chapter 59, Section 5, Clause Seventeenth D. relating to Tax Exemptions for persons over 70 years of age. Accepted 1995 ATM, Article 21.
155. M.G.L. Chapter 44, Section 65, Advance payment of vacation pay. Accepted 1995 ATM, Article 23.
156. Accept Chapter 110, Section 110, Acts of 1993, Years to qualify for Veteran's Tax Exemption.
157. M.G.L. Chapter 44, Section 53E1/2 Revolving Fund known as the "Landfill Materials Fund." Annual re-authorization required. Accepted 1995 ATM, Article 41.
158. M.G.L.A. Chapter 44, Section 53F 1/2, as amended and supplemented, to establish an Enterprise Fund Account to be known as the "Landfill Closure, Post-Closure or Corrective Action Fund." Accepted 1995 ATM, Article 20.
159. General Laws, Chapter 44, Section 53F1/2, to establish a Revolving fund as "Public Library Book Fund". Accepted 1996 ATM, Article 23. Annual reauthorization required.
160. General Laws, Chapter 41, Section 38A, under title of Town Collector, to collect mooring fees, sewer users fees, sewer user overage fees due the town. Accepted 1996 ATM, Article 27.
161. General Laws, Chapter 111, Section B 1/2, removal of underground storage tanks, and the deleading of dwellings with dangerous levels of lead. Accepted 1996 ATM, Article 50.
162. General Laws, Chapter 40, Section 8J, establish a Commission on Disability. Accepted 1997 ATM, Article 37.
163. General Laws, Chapter 111, Section 1/2, Residential Disposal System Loans. Accepted 1997 ATM, Article 38.

164. General Laws Chapter 127, Section 59 of the Acts of 1999 (Adding G.L. Ch 59 & 5K) Property Tax Work-Off Program. Accepted 2000 ATM, Article 27.
165. General Laws Chapter 31, Section 58A, as amended, Police and Fire Age requirement. Accepted 2001 ATM, Article 25.
166. General Laws Chapter 44, Section 53E1/2 Establishing a Revolving Fund know as "Recreation Programs Fund". Annual reauthorization required. Accepted 2001 ATM, Article 41.
167. General Laws Chapter 148, Section 56, Licensing of commercial Parking Lots. Accepted 2002 ATM, Article 33.
168. General Laws Chapter 653, Section 40, (Amending General Laws, Chapter 59, Section 2A(a), Assessment of New Construction. Accepted 2003 Oct STM, Article 10.
169. General Laws, Chapter 44, Section 53E1/2, Establishing a Revolving Fund known as "Transportation Revolving Fund". Annual reauthorization required. Accepted 2004, ATM, Article 16.
170. General Laws, Chapter 44, Section 53E1/2, Establishing a Revolving Fund known as "Student Parking Revolving Fund". Annual reauthorization required. Accepted 2004, ATM, Article 17.
171. General Laws, Chapter 44, Section 53E1/2, Establishing a Revolving Fund known as "After School Activity Revolving Fund". Annual reauthorization required. Accepted 2004, ATM, Article 18.
172. Community Preservation Act, MGL c. 44B, accepted at the 2005 Annual Town election. This section shall take effect upon approval by the Attorney General.
173. Town Clerk's Fees, Chapter 262, Section 34, accepted at the 2005 October 17, 2005 STM, Article 3.
174. MGL, Chapter 59, Section 5L, as amended by Chapter 260, Section 12 of the Acts of 2006 relative to the deferral of taxes due by members of the Massachusetts National Guard or reservist on active duty outside the Commonwealth of Massachusetts. Accepted 2007, ATM, Article 27.
175. MGL, Chapter 44, Section 55C – Affordable Housing Trust. Accepted 2008, ATM, Article 22.
176. MGL, Chapter 39, Section 23D -Adjudicatory hearings; attendance by municipal board, committee and commission members; voting disqualification. Accepted 2008, ATM, Article 28.
177. MGL, Chapter 43D, provides for expedited permitting for the development of land, buildings or structures in a priority development site. Accepted 2008, STM, Article 6.

178. M.G.L. Chapter 59, Section 5, Clause 41A to reduce rate of interest on property taxes deferred by eligible seniors from 8% to 4%, to apply to taxes assessed for any fiscal year beginning on or after July 1, 2009. Accepted 2009 STM, Article 1.
179. M.G.L. Chapter 32B, Section 20 that allows the Town to establish an Other Post Employment Benefits Liability Trust Fund and a funding schedule for the fund. Accepted 2011 ATM, Article 15.
180. M.G.L. Chapter 23A, Sections 3A-3H, Economic Opportunity Area (E.O.A) the area on which the Coady School is sited and to authorize the Board of Selectmen to grant Special Assessments or Tax Increment Financing packages for qualified economic development projects undertaken within said Economic Opportunity Area. Accepted 2011 ATM, Article 34.
181. M.G.L. Chapter 41, Section 108P, relative to additional compensation for Collectors or Treasurers. Accepted Oct 2011 STM, Article 2.
182. M.G.L. Chapter 40, Section 22F, relative to allowing municipal board or officer to fix reasonable charges to be paid for the services rendered or work performed. Accepted May 2012 ATM, Article 37.
183. M.G.L. Chapter 60, Section 15, to set the demand fee from the current fee of Five (\$5.00) to fee in the amount of Fifteen (\$15.00) Dollars as issued by the Town Collector to be added to and collected as part of the tax, with the new fee of Fifteen (\$15.00) to be effective July 1, 2013 Accepted May 2013 STM, Article 2.
184. M.G.L. Chapter 60, Section 2, relative to unpaid tax commitments less than \$10.00. Accepted Oct 2013 STM, Article 7.
185. M.G.L. Chapter 64L, §2(a) to impose a local meals excise. Accepted May 2014 ATM, Article 17.
186. M.G.L. Chapter 54, Section 16A permitting the Town Clerk to appoint the Warden, Clerk or Inspectors in circumstances where any of these persons are not present at the opening of the polls. Accepted February 2016 STM, Article 2.
187. M.G.L. Chapter 60 Section 15B, relative to establishing a tax title collection revolving fund. Accepted May 2016 ATM, Article 17.
188. M.G.L. Chapter 40 Section 13E, relative to establishing a Special Education Reserve Fund. Accepted May 2017 ATM, Article 18.
189. M.G.L. Chapter 59, Section 21A, relative to establishing additional compensation for course of study assessors. Accepted May 7, 2018 ATM, Article 15
190. M.G.L. Chapter 64N, Section 3 to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer. Accepted May 7, 2018 ATM, Article 21.

191. M.G.L. Chapter 59, Section 5 paragraph 54, relative to establishing a minimum fair cash value of \$1,000 for personal property accounts to be taxed beginning FY19. Accepted May 7, 2018 ATM, Article 22.
192. General Laws Chapter 44, Section 53F 3/4, which establishes a special revenue fund known as the Public Educational Government (PEG) Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support Public Educational Government (PEG) access services and oversight and renewal of the cable franchise agreement. Accepted May 3, 2021 ATM, Article 1-5.
193. The position of Chief of Police within the police department of the Town of Bourne shall be exempt from chapter 31 of the General Laws. Accepted May 3, 2021 ATM, Article 13.

SPECIAL LEGISLATION

1. To authorize the Board of Selectmen to petition the General Court for special legislation to provide, notwithstanding the provisions of any general or special law to the contrary that there be a department of public works, headed by a superintendent of public works. Approved 1990 STM Article 12
2. To authorize the Board of Selectmen to petition the General Court for special legislation that, notwithstanding the provisions of chapter 41 of the General Laws, tree warden shall be appointed by and under the supervision of the superintendent of public works. Approved 1991 ATM, Article 39.
3. To authorize the Board of Selectmen to petition the General Court for special legislation that, notwithstanding the provisions of section 3 of chapter 32 of the General Laws, police dispatchers in the Town of Bourne shall be classified in Group 2 for the purposes of said Chapter 32. Approved 1993 ATM, Article 4.
4. To authorize the Board of Selectmen to petition the General Court to enact special legislation to provide for recall elections in the Town of Bourne. Approved 1993 ATM, Article 41.
5. To authorize the Board of Selectmen to petition the General Court to enact special legislation to amend the provisions of Chapter 495, Acts of 1990 notwithstanding the provisions of Chapter forty-one of the General Laws or any other general special law or the contrary, that the duties and responsibilities and functions of sanitary landfill, and composting and recycling, be transferred to an Integrated Solid Waste Management Department. Approved 1998 ATM, Article 40.
6. To authorize the Board of Selectmen to petition the General Court to enact special legislation establishing the Bourne Financial Development Corporation. Approved 1998 ATM, Article 15.
7. To authorize the Board of Selectmen to petition the General Court To enact special legislation to General Laws Chapter 16, section 24A authorizing the Town to collect tax from ISWM. Approved 2000 ATM, Article 11.
8. To authorize the Board of Selectmen to petition the General Court To enact special legislation to General Laws Chapter 40, Section 8c to provide for three (3) Associate Members for the Conservation Commission. Approved 2002 ATM, Article 34.
9. To authorize the Board of Selectmen to petition the General Court to enact special legislation to the General Laws Chapter 40, Section 8c to reimburse Bourne for education the children of military families. Approved 2003 Oct STM, Article 6.
10. To authorize the Board of Selectmen to petition the General Court, under the Home Rule Amendment to the Massachusetts Constitution, for certain Amendments to

11. Chapter 820 of the Acts of 1970 creating the Bourne Recreation Authority. Approved May 7, 2018 ATM, Article 24.
12. To authorize the Board of Selectmen to Petition the General Court to amend the provisions of Massachusetts General Laws Chapter 29C, Section 19 by adding language authorizing the Cape Cod and Islands Water Protection Fund to provide subsidies and other assistance for Water Pollution Abatement Projects for Buzzards Bay in accordance with an Intermunicipal Agreement pursuant to Massachusetts General Laws Chapter 40, Section 4A. Approved May 3, 2021 ATM, Article 19.

December 21, 2021

James Beyer, Chairman

Zoning Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532-3441

Dear Jim,

It is with regret that I am writing to inform you of my decision to resign my position on the Zoning Board of Appeals, effective January 1st 2022.

My other commitments have become too great for me to be able to fulfill the requirements of my position on the Board, and I feel it is best for me to make room for someone with the time and energy to devote to the job.

It has been an honor being a part of the Zoning Board of Appeals.

Best regards,

Harold Kalick



Pat Nemeth



December 27, 2021

Board of Selectmen, Town of Bourne
Attention: Board Chair, Peter Meier
Town Hall
24 Perry Avenue
Bourne, MA 02532

**RE: Request for Appointment as a Full Board Member
To the Zoning Board of Appeals**

Dear Selectmen,

ZBA Board Member Harold Kalick has ever so graciously resigned in order to propose that I take his place as a full voting member of the ZBA. I am honored by his action and the support for my appointment from the ZBA Chair, James Beyer. I am writing to request that the Board of Selectmen appoint me as a full member to the ZBA.

I have served as an Associate Member of the Board since August 2020. During this time, I have enjoyed working with my fellow Board members and staff, to review and act on the cases before the Board. I would be very pleased to be granted the right to vote on the Board.

For the Selectmen's information, I have attached a brief Resume.

Sincerely,

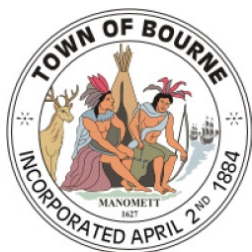
Pat Nemeth



Cc: Glenn Cannon, Interim Town Administrator
James Beyer, Chair Zoning Board of Appeals

Class II Car Dealers
Common Victualer
Public Livery
Licenses
01.04.2022

Auto Dealers - Class II					
D/B/A	NAME	MANAGER	STREET	CITY	
d/b/a Cape Cod Car Care	SVZ Auto Group Inc.	Serge Zalewski, Manager	74 Cranberry Highway	Sagamore	Received Payment & Insurance Scheduled for 01.04.22
	Cape Cod Restorations, Inc.	Chris Silva, Manager	4 Crane Circle - Units 5-6-7	Cataumet	Received Payment & Insurance Scheduled for 01.04.22
	Coastal Motors and Equipment	Ralph MacDougall, Mgr.	236 Main Street	Buzzards Bay	Received Payment & Insurance Scheduled for 01.04.22
d/b/a Diamond Auto Sales	Stephen C. Hurlburt		54 Portside Drive	Pocasset	Received Payment & Insurance Scheduled for 01.04.22
Common Victualers					
D/B/A	NAME	MANAGER	STREET	CITY	
d/b/a Mic's Main Scoop	Mic's Main Scoop, Inc.	Michaela Michienzi, Mgr.	100 Main Street	Buzzards Bay	Received Payment & Insurance Scheduled for 01.04.22
d/b/a Jimmy's Diner	Marcom & Son LLC	James Drowne, Manager	808 MacArthur Boulevard	Pocasset	Received Payment & Insurance Scheduled for 01.04.22
Public Livery					
d/b/a Green Shuttle of Cape Cod [1 vehicle]	RedCap Corps LLC	Dean R. Athanas	5 Sherry Lane	Monument Beach	Received Payment & Insurance Scheduled for 01.04.22



TOWN OF BOURNE

Town Administrator
24 Perry Avenue - Room 101
Buzzards Bay, MA 02532
www.townofbourne.com
508.759.0600, Ext. 1308



Glenn Cannon, Town Administrator
Email: gcannon@townofbourne.com

NOTICE

To: Eversource
Attn: Karen Johnson Right-of-Way Agent
273 Summer Street
Plymouth, MA 02532

You are hereby notified that a public hearing will be held at 7:15 P.M. on Tuesday, January 4, 2022 upon the petition dated October 29, 2021 from Nstar Electric Company [d/b/a Eversource Energy] for the installation of one handhole, conduit and underground cable in Squeteague Harbor Road, Bourne.

This petition is necessary to bring service to a new home at 5 Squeteague Harbor Road in Bourne, which designated route of line you are an owner of real estate, as determined by the preceding assessment for taxation.

The meeting will be Zoom Remote with access for the phone number for calling in on the posted agenda, which can be found on the Town of Board website calendar (www.townofbourne.com)

Glenn Cannon
Town Administrator

Dated: December 22, 2021



273 Summer Street, Plymouth, MA 02360

October 29, 2021

*Chairman
Board of Selectmen
Town of Bourne
24 Perry Avenue
Buzzards Bay, MA 02532*

Dear Sir,

Enclosed you will find one (1) Petition covering the installation of one handhole, conduit and underground cable in Squeteague Harbor Road, Bourne. This construction is necessary to service a new home at 5 Squeteague Harbor Road.

The notice to abutters and hearing will be required.

Favorable action on the part of the Selectmen will be greatly appreciated.

Very truly yours,

A handwritten signature in dark ink, appearing to be "K. Johnson", written over a horizontal line.

*Karen Johnson
Right of Way Agent*

enc.

**PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

Bourne, Massachusetts, **October 29, 2021**
TO BOARD OF SELECTMEN FOR THE TOWN OF BOURNE, MASSACHUSETTS

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

W/O#5925476

requests permission to locate underground cables, conduits, manholes, including the necessary sustaining and protecting fixtures, in, under, along and across the following public way or ways:

Squeteague Harbor Road

**Underground Cable and Conduit
location – Install 1-3" PVC Conduit**

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, conduits, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed substantially in accordance with the plan filed herewith marked **Plan No. 5925476, dated October 14, 2021**

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

By *Karen Johnson*
Karen Johnson, Right of Way Agent

FORM OF ORDER FOR UNDERGROUND CABLE AND CONDUIT LOCATIONS

IN BOARD OF SELECTMEN FOR THE TOWN OF BOURNE, MASSACHUSETTS

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED THAT THE:

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

W/O# 5925476

be and they are hereby granted a location for and permission to install and maintain underground cables, Conduits and manholes, together with such sustaining or protecting fixtures as said company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said company.

All construction under this order shall be in accordance with the following conditions:
Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked -- **Plan No. 5925476, dated October 14, 2021** filed with said petition. The following are the public ways or parts of ways under, along and across which the cables above referred to may be installed under this order.

Squeteague Harbor Road

**Underground Cable and Conduit
location – Install 1-3" PVC Conduit**

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of Bourne, Massachusetts held on the _____ day of _____ 2021.

Clerk of Selectmen.

Massachusetts

2021.

Received and entered in the records of location orders of the Town of _____
Book _____ Page _____.

Attest:

Town Clerk

We hereby certify that on _____ 2021, at _____ o'clock, _____ M ,

at _____ a public hearing was held on the petition of the

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

for permission to install and maintain the underground cables, conduits, manholes and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

Massachusetts.

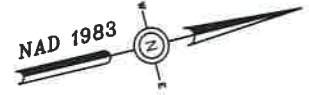
CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of _____, Massachusetts, on the _____ day of _____ 2021, and recorded with the records of location orders of said Town, Book _____, Page _____.
This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

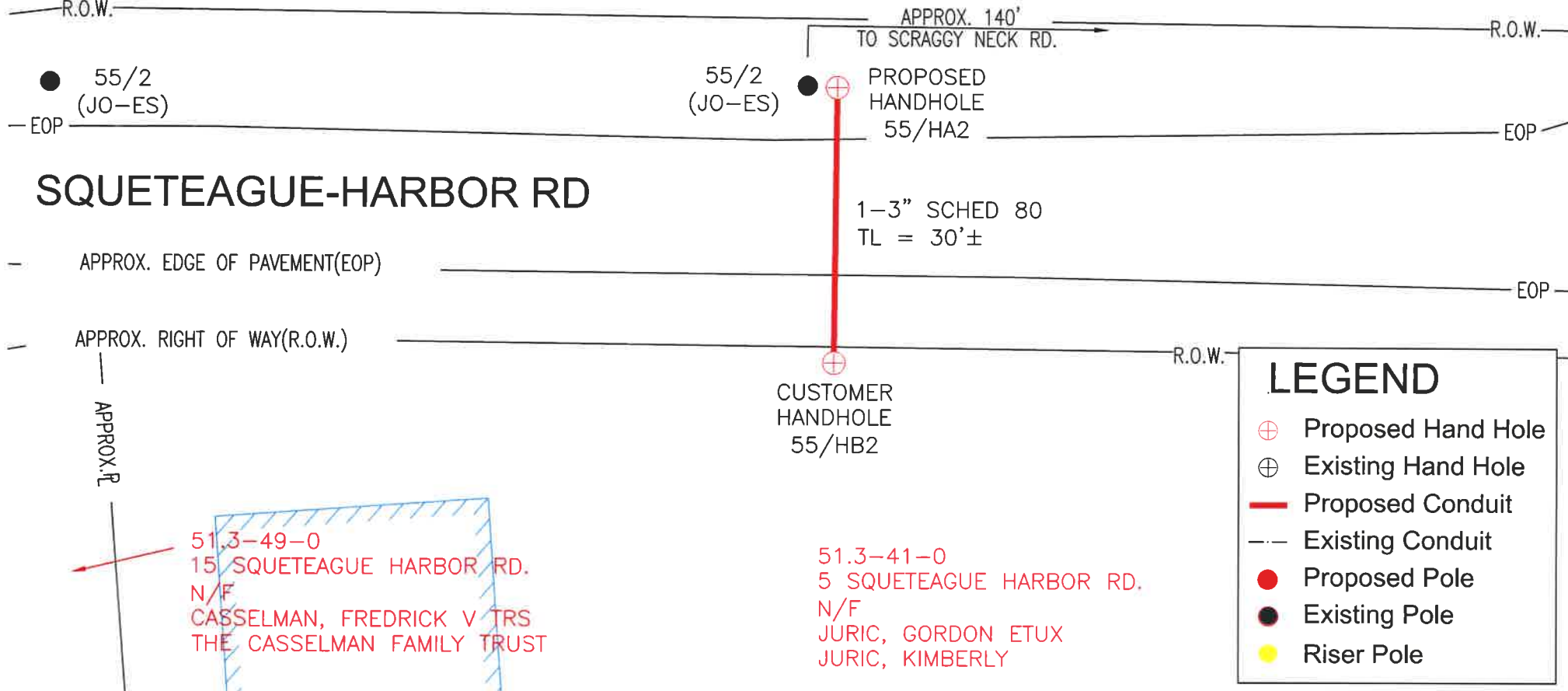
Town Clerk.

Plan to accompany petition of EVERSOURCE ENERGY
to install 30'± of 3" conduit under the road from
Proposed Handhole 55/HA2 to proposed
Handhole 55/H2B(customer to install) to provide
electric service to #5 Squeteague Harbor Rd.



51.3-36-0
10 SQUETEAGUE HARBOR
N/F
KARSTAD, KATRINE
KARSTAD, KARIANNA, B.

51.1-32-0
140 SCRAGGY NECK RD
N/F
DUMAINE, HEATHER U.



LEGEND

- ⊕ Proposed Hand Hole
- ⊖ Existing Hand Hole
- Proposed Conduit
- - - Existing Conduit
- Proposed Pole
- Existing Pole
- Riser Pole

0 20 40
SCALE IN FEET

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

Plan #	5925476	NSTAR EVERSOURCE <small>ELECTRIC d/b/a</small> 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #		
Work Order #	5925476	
Surveyed by:	N/A	
Research by:	SJ	Plan of SQUETEAGUE HARBOR ROAD CATAUMET
Plotted by:	SJ	Showing PROPOSED HANDHOLE AND CONDUIT LOCATION
Proposed Structures:	TL	
Approved:	T THIBAUT	Scale 1"=20' Date October 14, 2021
P#		SHEET 1 of 1

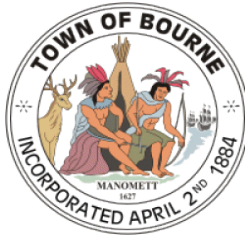
WO# 5925476
SQUETEAGUE HARBOR ROAD
CATAUMET, MA 02534

51.3-41-0
5 SQUETEAGUE HARBOR RD.
N/F
JURIC, GORDON ETUX
JURIC, KIMBERLY
67 MARTINS LN.
HINGHAM, MA 02043

51.3-36-0
10 SQUETEAGUE HARBOR RD.
N/F
KARSTAD, KATRINE
KARSTAD, KARIANNA, B.
PO BOX 64
CATAUMET, MA 02534

51.3-49-0
15 SQUETEAGUE HARBOR RD.
N/F
CASSELMAN, FREDRICK V TRS
THE CASSELMAN FAMILY TRUST
333 COMMONWEALTH AVE. #13
BOSTON, MA, MA 02115

51.1-32-0
140 SCRAGGY NECK RD
N/F
DUMAINE, HEATHER U.
5 NATHANIEL GUILD RD.
SHARON, MA 02067



Selectmen's Correspondence

January 4, 2022

- A. Letter from Tom Barlow regarding letters to the EPA and DEP opposing the discharge at the MMA
- B. Letter from the DEP regarding Scraggy Neck Recreation Association boat ramp reconstruction
- C. Letter from Holmes & McGrath re septic system waiver request for 72 Circuit Ave.
- D. Green Seal letter regarding 236 Main St. downgradient property status
- E. Letter from Mr. Tirrell regarding Puritan Road safety
- F. Regulatory Bulletin from the Dept of Public Utilities (11/17/21) regarding stakeholder obligations for utilities during and after storms
- G. Xfinity letter(s) informing of a channel additions
- H. Upper Cape School Committee Minutes from 10/14/21
- I. Upper Cape School Committee Minutes from 11/18/21
- J. Letter from J. York regarding the recording of meetings
- K. Climate Resilience Study by UMASS dated 11/4/21
- L. P. Freedman resignation from the Capital Outlay Committee
- M. P. Freedman resignation from the Finance Committee

A

December 9, 2021

W. Thomas Barlow
PO Box 1142
Buzzards Bay, MA 02532

Chairman Peter Meier
Bourne Select Board
24 Perry Avenue
Buzzards Bay, MA 02532

Dear Mr. Meier,

Please find enclosed two letters sent to the Environmental Protection Agency and the Mass Department of Environmental Protection opposing discharge at the Massachusetts Maritime Academy from the Wareham Wastewater Pollution Control Facility in Wareham Massachusetts.

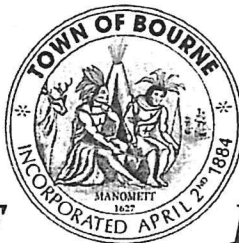
Also, please find attached a copy of the Open Town Meeting Vote of November 15, 2021.

Respectfully,



W. Thomas Barlow
Save The Cape Cod Canal Committee
Attachments: 3

BOURNE BD OF SELECTMEN
RCUD 2021 DEC 13 PM3:28



TOWN OF BOURNE

Office of the Town Clerk

At a legal Special Town Meeting of the Town of Bourne held November 15, 2021, a quorum being present, the following business was transacted under Article 11:

ARTICLE 11: To see if the Town will vote to request that the Board of Selectmen and Sewer Commissioners oppose any federal, state, or local wastewater permits for a collection system for the Massachusetts Maritime Academy in the Taylor's Point area of Buzzards Bay, and the subsequent disposal by direct discharge of treated or untreated wastewater into the Cape Cod Canal or the waters immediately adjacent thereto.

Sponsor – W. Thomas Barlow and others

MOTION: *We move that the Town so vote.*

VOTED: *the AYES have it; declared the motion passes*

A True Copy.

Attest:


Asst. Town Clerk

December 8, 2021

W. Thomas Barlow
PO Box 1142
Buzzards Bay, MA 02532

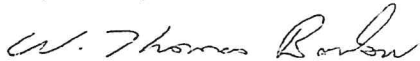
Mr. Ken Moraff
Office of Ecosystem Protection
Environmental Protection Agency
5 Post Office Square – Suite 100
Boston, MA 02109-3912

Dear Mr. Moraff,

Town of Bourne voters at the November 15, 2021 Open Town Meeting voted overwhelmingly to oppose Wareham Pollution Control Facility outfall pipe that would discharge treated wastewater in the Cape Cod Canal at or near the Massachusetts Maritime Academy's existing discharge. When a permit application is filed please apply this vote to the public comment section.

Please find attached a copy of the vote.

Respectfully,

A handwritten signature in cursive script that reads "W. Thomas Barlow".

W. Thomas Barlow
Save The Cape Cod Canal Committee
Attachment: 1

December 8, 2021

W. Thomas Barlow
PO Box 1142
Buzzards Bay, MA 02532

Jeffrey Gould
MassDEP – Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

Dear Mr. Gould,

Town of Bourne voters at the November 15, 2021 Open Town Meeting voted overwhelmingly to oppose Wareham Pollution Control Facility outfall pipe that would discharge treated wastewater in the Cape Cod Canal at or near the Massachusetts Maritime Academy's existing discharge. When a permit application is filed please apply this vote to the public comment section.

Please find attached a copy of the vote.

Respectfully,

A handwritten signature in cursive script that reads "W. Thomas Barlow".

W. Thomas Barlow
Save The Cape Cod Canal Committee
Attachment: 1

B

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91
Waterways License Application Number W21-6032
Scraggy Neck Recreational Association**

NOTIFICATION DATE: September 3, 2021

Public notice is hereby given of the waterways application by the Scraggy Neck Recreational Association to reconstruct and maintain a concrete boat ramp at 498 Scraggy Neck Road in the municipality of Bourne, in and over flowed tidelands of Buzzards Bay. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within thirty (30) days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more, with at least five of the ten residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application, including plans and associated documents, may be obtained by contacting the Waterways Regulation Program at (508) 946-2707 or brendan.mullaney@mass.gov.

Written comments must be addressed to: Brendan Mullaney, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347 or brendan.mullaney@mass.gov.

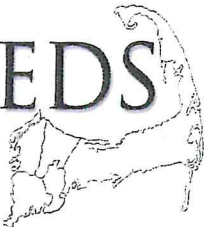
BOURNE BD OF SELECTMEN
RCUD 2021 SEP 7 AM10:52

CLASSIFIEDS

Falmouth • Mashpee • Bourne • Sandwich

WWW.CAPENews.NET

Mon - Fri 8AM-5PM • Ads@capenews.net



We've Got You Covered.



50 DEPOT AVENUE • FALMOUTH, MA 02540 • 508-548-4700 • 1-800-286-7744



ACCOMMODATIONS

RENTALS WANTED

Retired Couple - Looking to rent year-round 2 bedroom condo/apartment, first floor only, in Falmouth area. 508-274-0452

WANTED TO RENT

GARAGE SPACE WANTED for one car, must be dry, close to Calumet as possible, rent negotiable. Call 904-631-1012 or jmschippers@aol.com

Year Round Rental: West Falmouth - 3-bedroom, 1-bath apartment in 2 family apartment building, L.R. kitchen, first floor. \$2,500 monthly + utilities, first/last/lease. 508-663-7829 cardozasgc1@aol.com

REAL ESTATE WANTED

WANTED TO Buy

Condo in Woodview Falmouth Cash Offer.

Call 508-687-9986



ANNOUNCEMENTS

FOR MORE INFORMATION ABOUT AL-ANON AND ALATEEN PLEASE CALL (508) 366-0556 WWW.AL-ANON-ALATEEN.ORG

If you or someone you know have a problem with alcohol please call Cape Cod Intergroup of Alcoholics Anonymous 508-775-7000 and online at <https://capcodaa.net>



COMPUTERS

"HIRE A PROFESSIONAL instead of a Geek". Repair, setup, networking, upgrades. Expertise in both hardware and software. House calls 24/7, 30 plus years experience. Low Rates - Guaranteed satisfaction. Call Rob "The Professor", 508-524-1349



JOBS

GENERAL

Herb Lab Technician
Crane Herb Pharmacy Assemble herb prescriptions in lab settings. F/T in Mashpee. Benefits. Send resume to info@craneherb.com or call 508-539-1700.

Shipping and Receiving full time with benefits for herb company in Mashpee. Computer skills. Send resume to info@craneherb.com or call 508-539-1700.



MUSICAL

PIANO TUNING, REPAIR, PERFORMANCE Professional musician with 40 plus years tuning experience. Glenway Flipp 606-601-7790 Email almusical@flipp.com



MUSICAL

PIANO/KEYBOARD LESSONS. All Ages, Styles, Levels Welcome. Individual Online Experienced Pro. New England Conservatory, Berkshire Music College. Call Ronda Kelly 508-539-6870.



HOT DEALS

LADDER, WOODEN, 10 ft good condition, 530 or B.O. 508-548-2922



LEGAL NOTICES

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT
Docket No. BA21P1312EA
Estate of: Sean A McDermott
Date of Death: 05/08/2021
Barnstable Probate and Family Court
3195 Main Street
PO Box 346
Barnstable, MA 02630
508-375-6710

CITATION ON PETITION FOR FORMAL ADJUDICATION

To all interested persons:
A Petition for formal Adjudication of Intestacy and Appointment of Personal Representative has been filed by Diana McDermott of Falmouth MA requesting that the Court enter a formal Decree and Order for and for such other relief as requested in the Petition.
The Petitioner requests that: Diana McDermott of Falmouth MA be appointed as Personal Representative(s) of said estate to serve WITHOUT SURETY on the bond in an unsupervised administration.

IMPORTANT NOTICE
You have the right to obtain a copy of the Petition from the Petitioner or at the Court. You have a right to object to this proceeding. To do so, you or your attorney must file a written appearance and objection at this Court before:

10:00 a.m. on the return day of 09/23/2021. This is NOT a hearing date, but a deadline by which you must file a written appearance and objection followed by an Affidavit of Objections within thirty (30) days of the return day, action may be taken without further notice to you.

UNSUPERVISED ADMINISTRATION UNDER THE MASSACHUSETTS UNIFORM PROBATE CODE (MUPC)

A Personal Representative appointed under the MUPC in an unsupervised administration is not required to file an inventory or annual accounts with the Court. Persons interested in the estate are entitled to notice regarding the administration directly from the Personal Representative and may petition the Court in any matter relating to the estate, including the distribution of assets and expenses of administration. WITNESS, Hon. Arthur C. Ryley, First Justice of this Court.
Date: August 26, 2021
Anastasia Welsh Perrino
Register of Probate

September 3, 2021

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT
Docket No. BA21P1325EA
Estate of: Margo C. Salinger
Also Known as: Margo Christine Salinger
Date of Death: 05/24/2021
Barnstable Division
Barnstable County
3195 Main Street
P.O. BOX 346
Barnstable, MA 02630
508-375-6710



LEGAL NOTICES

NOTICE
To all persons interested in the above captioned estate, by Petition of Petitioner
Bruce C. Salinger of Naples FL
Petitioner
Maureen F. Salinger Naples FL
Bruce C. Salinger of Naples FL
Maureen F. Salinger Naples FL
has been informally appointed as the Personal Representative of the estate to serve without surety on the bond.

The estate is being administered under informal procedure by the Personal Representative under the Massachusetts Uniform Probate Code without supervision by the Court. Inventory and accounts are not required to be filed with the Court, and interested parties are entitled to notice regarding the administration from the Personal Representative and can petition the Court in any matter relating to the estate, including distribution of assets and expenses of administration. Interested parties are entitled to petition the Court to institute formal proceedings and to obtain orders terminating or restricting the powers of Personal Representatives appointed under informal procedure. A copy of the Petition and Will, if any, can be obtained from the Petitioner.

September 3, 2021

DEPARTMENT OF ENVIRONMENTAL PROTECTION WATERWAYS REGULATION PROGRAM

Notice of License Application Pursuant to M. G. L. Chapter 91 Waterways License Application No. W21-6032
Scraggy Neck Recreational Association

NOTIFICATION DATE: September 3, 2021
Public notice is hereby given of the waterways application by Scraggy Neck Recreation Association to reconstruct and maintain a concrete boat ramp at 498 Scraggy Neck, in the municipality of Bourne, in and over the waters of Buzzards Bay. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on the Waterways application received within 30 days subsequent to the Notification Date. Failure of any aggrieved person or group of ten citizens or more, with at least five of the ten residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this ap-

plication, including plans and associated documents, may be obtained by contacting the Waterways Regulation Program at (508) 946-2707 or brendan.mullaney@mass.gov

Written comments must be addressed to:

Brendan Mullaney, Environmental Analyst,
DEP Waterways Regulation Program, 20
Riverside Drive, Lakeville, MA 02347 or
brendan.mullaney@mass.gov

September 3, 2021

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

Premises: 19 Puntan Road, Buzzards Bay, Massachusetts
By virtue and in execution of the Power of sale contained in a certain mortgage given by Carol A. Paige (fka Carol A. Palmer to Sovereign Bank, N.A., said mortgage dated May 15, 2012, and filed in Barnstable County Registry District of the Land Court as Document No. 1198548 and noted on Certificate of Title No. 148115 and now held by Santander Bank, N.A. (a Sovereign Bank, N.A. for branch of the conditions in said mortgage and for the purpose of foreclosing the same, will be sold at Public Auction on September 13, 2021 at 1:00 PM Local Time upon the premises, all and singular the premises described in said mortgage, to wit:

A CERTAIN PARCEL OF LAND, WITH THE BUILDINGS THEREON, SITUATED IN BOURNE (BUZZARDS BAY), BARNSTABLE COUNTY, MASSACHUSETTS, BOUND-ED AND DESCRIBED AS FOLLOWS:

SOUTHEASTERLY BY PURITAN ROAD, ONE HUNDRED (100) FEET; SOUTHWESTERLY BY LOT 71, ONE HUNDRED TWENTY-FIVE (125) FEET; NORTH-ESTERLY BY LOT 14, ONE HUNDRED TWENTY-FIVE (125) FEET; AND NORTH-EASTERLY BY LOT 10, ONE HUNDRED TWENTY-FIVE (125) FEET. ALL OF SAID BOUNDARIES ARE DETERMINED BY THE COURT TO BE LOCATED AS SHOWN ON SUBDIVISION PLAN 16467-F DATED APRIL 10, 1962, DRAWN BY JAMES L. TYSON, C.E., AND FILED IN THE LAND REGISTRATION OFFICE AT BOSTON. A COPY OF WHICH IS FILED IN BARNSTABLE COUNTY REGISTRY OF DEEDS IN LAND REGISTRATION BOOK 211 PAGE 40 WITH CERTIFICATE OF TITLE NO. 27420 AND SAID LAND IS SHOWN THEREON AS LOT 11.

FOR OUR TITLE SEE CERTIFICATE OF TITLE NO. 142062.
SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, COVENANTS, OIL, GAS OR MINERAL RIGHTS OF RECORD, IF ANY.
BEING THE SAME PREMISES CON-



LEGAL NOTICES

VEYED TO JOSEPH H. PAIGE, III AND CAROL A. PAIGE, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETY FROM CAROL A. PAIGE, FIKIA CAROL A. PALMER BY QUITCLAIM DEED DATED 10/08/1997, AND RECORDED ON 10/09/1997, DOCUMENT # 706,504, IN BARNSTABLE COUNTY, MA. ASSESSORS PARCEL NUMBER: MAP: 19.3; PARCEL: 154.0
ATTN ORDER NUMBER: 201204240259

The description of the property that appears in the mortgage to be foreclosed shall control in the event of a typographical error in this publication.

For Mortgagor's Title see deed dated September 6, 1995 and filed in Barnstable County Registry District of the Land Court as Document No. 676474 and noted on Certificate of Title No. 142062.

TERMS OF SALE: Said premises will be sold and conveyed subject to all liens, encumbrances, unpaid taxes, tax titles, municipal liens and assessments, if any, which take precedence over the said mortgage above described.

FIVE THOUSAND (\$5,000.00)
Dollars of the purchase price must be paid by a certified check, bank treasurer's or cashier's check at the time and place of the sale by the purchaser. The balance of the purchase price shall be paid in cash, certified check, bank treasurer's or cashier's check within sixty (60) days after the date of sale.

Other terms to be announced at the sale.

BENDETT & MCHUGH, PC
270 Farmington Avenue
Farmington, CT 06032
Attorney for Santander Bank, N.A. (a Sovereign Bank, N.A.)
Present
Holder of the Mortgage
(860) 477-2868

Help Wanted
Friday Newspaper
Delivery Person Wanted

Being a newspaper carrier during the day on Fridays is a great way to supplement your income, get out of the house and give back to the community. The Enterprise is an award-winning, family-owned business that prides itself on giving the best, most current local news and information to all of us on the Upper Cape.

Come join our team and deliver newspapers to stores or homes.

If you, or someone you know is interested in a home-delivery route in Bourne, Falmouth, Mashpee or Sandwich every Friday,

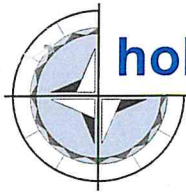
please reach out to us by calling us at 508-299-8379

or emailing us at circulation@capenews.net

WOODS HOLE CHILD CENTER
is hiring a teaching assistant
for 2 - 3 days/week from 12:00-3:30.
Please call 508-548-1773.

\$4,000 SIGNING BONUS
EMPLOYMENT NEEDED HVAC Service &

ADMINISTRATIVE ASSISTANT



holmes and mcgrath, inc.

civil engineers and land surveyors

205 worcester court • suite a4 • falmouth, ma • 02540

508-548-3564 • 800-874-7373 • fax 508-548-9672

tsantos@holmesandmcgrath.com

Property Owner within 100 feet of the proposed project:

RE: Board of Health Hearing
for **John and Christina Bonvouloir**

#72 Circuit Avenue, Bourne

Waiver Request to use Existing Septic System

The Bourne Board of Health will conduct a public hearing on the application of **John and Christina Bonvouloir** to perform interior renovations to the existing dwelling and to continue using the existing septic system.

The hearing will be held at the Bourne Veteran's Memorial Community Building in Conference Room #2 on **Wednesday, December 8, 2021, beginning at 5:30 p.m.** The application and plans for the above referenced public hearing are available for review at the Bourne Board of Health Department.

Sincerely,
HOLMES AND McGRATH, INC.

Timothy M. Santos, PE
Vice President

BOURNE BD OF SELECTMEN
NOV 12 AM 8:39



Green Seal Environmental, LLC

114 State Road, Bldg. B, Sagamore Beach, MA 02562
T: 508.888.6034 F: 508.888.1506
www.gseenv.com

MassDOT Certified
DCAMM Certified

November 11, 2021

Town of Bourne
Town Hall, Room #101
24 Perry Avenue
Buzzards Bay, MA 02532
Attn: Tim King, Interim Town Administrator

RE: Downgradient Property Status Opinion
236 Main Street, Buzzards Bay, MA
MassDEP RTN 4-28559

BOURNE BD OF SELECTMEN
RCUD 2021 NOV 15 AM 11:51

Mr. King:

This letter has been prepared in accordance with the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000, to provide notice that Green Seal Environmental, LLC has submitted a Downgradient Property Status (DPS) Opinion to the Massachusetts Department of Environmental Protection (MassDEP) for the above referenced property. The DPS Opinion asserts that a release of volatile petroleum hydrocarbons (VPH) which has come to be located at 236 Main Street is a result of an upgradient source on property owned by the Town at 229-239 Main Street. A copy of the DPS submittal is attached and is also available for review at the MassDEP Southeast Regional Office, Bureau of Waste Site Clean-up, 20 Riverside Drive, Lakeville, MA 02347; Tel. 508-946-2700. Electronic copies of the report may also be viewed on-line under release tracking number (RTN) 4-28559 at <http://public.dep.state.ma.us/SearchableSites2/Search.aspx>.

Sincerely,
GREEN SEAL ENVIRONMENTAL, LLC

Liz Phelps
Project Manager

cc: MassDEP Bureau of Waste Site Cleanup – SERO

Mark A. Tirrell

e



December 7, 2021

BOURNE BD OF SELECTMEN
RCUD 2021 DEC 10 AM 10:21

The Honorable Selectboard
Town of Bourne
24 Perry Avenue
Buzzards Bay MA 02532

Re: Safety on Puritan Road

Dear Friends,

It's amazing! The automatic dorsiflexion of my right foot when I see a cruiser or officer near my lane ahead...and the dart of my eye to the speedometer!¹

And there is technology that gets pretty much the same response. As I have been driving about SE Mass doing local deliveries, I've been impressed by the effectiveness of the pole mounted speed limit signs that include a radar component and display to advise drivers of their current speed. I'm sure you've also seen them.

The 25-mph limit along Puritan Road in Buzzards Bay is reasonable but oh so easy to exceed. Puritan Road is a collector road and a cut-through serving a number of side roads, all residential. And we got kids! Bunches of them. There are sidewalks on a little more than half the street.

I understand that new infrastructure monies have become available. I propose that serious consideration be given to funding and installing devices as described above on Puritan Road, preferably one in each direction.

Thank you for your time. If I may be of assistance in any planning, please don't hesitate to contact me.

Sincerely,

Mark A. Tirrell

CC: Chief, Bourne Police Department
Superintendent Patterson, Bourne DPW

¹ The observation should in no way be taken as confession of regular exceeding of the speed limit. Honest.



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

REGULATORY BULLETIN
November 17, 2021

Massachusetts is experiencing more frequent and more extreme weather events. As a result, in addition to the strengthening of Massachusetts' network of utility poles, wires, cables, and attachments against storms, Massachusetts communities will increasingly rely on utility pole owners, pole attachment owners, and first responders to work together to both prepare for and recover from downed poles, wires, and related equipment. The Massachusetts Department of Telecommunications and Cable ("DTC") and the Massachusetts Department of Public Utilities ("DPU") issue this Regulatory Bulletin as a reminder of stakeholders' obligations to prepare for and respond to weather-related outages and downed wires across the Commonwealth, and to encourage stakeholders to work together to mitigate any resulting damage.

The DTC and the DPU ("Departments") remind owners of utility poles, piers, fixtures supporting wires, conduit, and cross arms or other appliances for the support of wires or cables of their obligation to mark each such item with their name or initials. G.L. c. 166, § 31. Similarly, the owners of wires attached to a pole or structure owned by another must also mark said pole or structure with the name or initials of the owner of the wire or of the person maintaining or operating the wire. G.L. c. 166, § 36. These requirements help first responders and repair personnel know the nature of the equipment they encounter in an emergency and whom to contact about fallen equipment.

Electric distribution companies must help the communities in which they operate prepare for weather-related downed poles and wires by, among other responsibilities, meeting with state and local officials annually to ensure effective communications and cooperation between the companies and local public safety officials in the event of weather emergencies. 220 C.M.R. § 19.03. The Departments remind electric distribution companies that some state and municipal agencies provide telecommunications service in Massachusetts and, as a result, attach wires to utility poles.

The Departments further remind all parties that utility poles often house infrastructure from multiple services. Therefore, while restoring service after an outage, all efforts should be made to be mindful of the impact restoration activities will have on other services attached to affected poles. The Departments encourage electric distribution companies to communicate as soon as possible with attachers when the companies receive notice of downed wires or poles affecting their attached equipment and to work cooperatively with attachers to maintain attachers' services when possible.

In the event of downed wires or equipment, the Departments expect that public officials, including municipal officials and first responders, will immediately contact each of the parties whose name appears on the utility pole or other downed fixture. Electric distribution companies are required to maintain a priority phone number to be used for such calls. D.P.U. 11-85-A/11-119-A (2012) at 51.

Massachusetts consumers and businesses rely on the services provided via utility poles and attachments, and interruptions can have a substantial impact on our homes, businesses, and essential services. The Departments encourage pole owners, attachers, and public officials to work cooperatively to help minimize unnecessary service interruptions and keep Massachusetts served.

Thank you for your attention, and please contact us with any questions at the Department of Telecommunications and Cable, attention Lindsay DeRoche (617) 305-3580 lindsay.deroche@mass.gov; or the Department of Public Utilities, attention Sandra Merrick (617) 519-1760 sandra.merrick@mass.gov.



December 21, 2021

Board of Selectmen
Town of Bourne
24 Perry Avenue
Buzzards Bay, MA 02532

Re: Programming Advisory

Dear Chairman and Members of the Board:

As part of our ongoing commitment to keep you and our customers informed about changes to Xfinity TV services, we wanted to inform you that effective December 14, 2021, Universal Living Faith Network was added to ch. 1098.

Please feel free to contact me at **Michael_Galla@cable.comcast.com** should you have any questions.

Very truly yours,

Michael Galla

Michael Galla, Sr. Manager
Government Affairs

BOURNE BD OF SELECTMEN
RCUD 2021 DEC 23 AM 9:56

BOURNE BD OF SELECTMEN
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December 10, 2021

Board of Selectmen
Town of Bourne
24 Perry Avenue
Buzzards Bay, MA 02532

Re: Programming Advisory

Dear Chairman and Members of the Board:

As part of our ongoing commitment to keep you and our customers informed about changes to Xfinity TV services, we wanted to update you that on December 22, 2021 ACC Network will be added to the Expanded Basic, Sports & News, and Xfinity Latino Starter levels of service in your community.

Please feel free to contact me at **Michael_Galla@cable.comcast.com** should you have any questions.

Very truly yours,

Michael Galla

Michael Galla, Sr. Manager
Government Affairs

V1 MA & S. Hampton

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UPPER CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT COMMITTEE
OCTOBER 14, 2021 MEETING HELD AT THE SCHOOL
220 SANDWICH ROAD, BOURNE, MA 02532

PRESENT: Robert Fichtenmayer, Chair; Ellen Barber; Dominic Cammarano; Thomas Corriveau; Mary Crook; Christine Marcolini; David P. Sampson; Maryann Smith; Roger Forget; Josh Greeley; Sharon Brito, Recording Secretary.

ABSENT: Michael Degan.

The meeting was called to order at 6:15 p.m. followed by the Pledge of Allegiance to the Flag. Mr. Fichtenmayer announced that the meeting was being recorded via an audio device.

STUDENT ADVISORY REPRESENTATIVE: Junior Miranda Buckley, a Bourne resident in Environmental Technology and Senior Matthew Wright, a Sandwich resident in Information Technology, updated the committee on school activities including updates on the fall athletic teams and the extra-curricular clubs. They also discussed the upcoming Homecoming football game and dance which will take place on October 23rd. Prior to that, Spirit Week will take place with a different theme each day of the week.

STUDENT SPOTLIGHT / CURRICULUM UPDATE: None.

BOURNE BD OF SELECTMEN
ROUD 2021 NOV 24 AM 10:37

PUBLIC PARTICIPATION: None.

APPROVAL OF MINUTES: A motion was made by Mr. Corriveau, seconded by Ms. Smith, for approval of the minutes of the September 9, 2021 regular meeting. Motion passed unanimously.

COMMUNICATIONS: The Superintendent read a letter from Richard Stewart, Mathematics teacher, indicating his intention to retire at the conclusion of the school year. He then read a note from the Superintendent of Old Colony Regional Vocational-Technical High School thanking the Culinary Arts staff and students for the outstanding lunch they served at the recent Old Colony Superintendent's Association luncheon meeting. Mr. Forget also read a letter from the Friends of the Bourne Council on Aging thanking the staff for their recent donation of \$125.00 to the food pantry that was raised on a "Jeans Day Friday." The parents of two students who recently utilized the school cafeteria to host their Boy Scouts Eagle Ceremony wrote to Mr. Forget expressing their appreciation for the use of the space at no charge. Finally, the Superintendent read an

e-mail that a parent wrote to the Automotive Collision staff for assisting her daughter with some problems she was having with her automobile recently.

REPORT OF COMMITTEES:

Policy – Ms. Crook reported that the Policy Sub-Committee met on October 4th to review 14 policies. Thirteen of the policies did not need any edits and one policy, the Admissions Policy, will be presented later in the meeting for a first reading.

Negotiations – The Negotiations Sub-Committee met last night to begin the process for negotiations with Unit A.

Land Use – The Land Use Sub-Committee met on September 22nd and will meet again on November 10th.

TREASURER'S REPORT: Mr. Forget distributed the Treasurer's Report for warrants #10 and #12 highlighting the larger expenditures on the warrants including boiler replacement, health insurance and student insurance, utilities, cafeteria food, and bussing. He also discussed revenue received from the wind turbine with ConEd and net metering credits from the solar canopies.

SUPERINTENDENT'S REPORT: Mr. Forget reminded the committee that MASC is holding a Zoom workshop on October 21st at 6:30 p.m. regarding the new regulations for vocational-technical schools. He then referenced the article from the *Speed and Kulture* magazine that was included in the meeting mailout, stating that the article featured a graduate who rebuilt a custom 1971 Dodge Demon. Next, the Superintendent discussed the Tech Open golf tournament that took place in September. He informed the committee that it was the most successful tournament to date raising over \$37,000 to benefit the scholarship fund. He thanked Liz de la Cour and Sharon Brito for their efforts in coordinating the event. He shared that MASC is producing a video around the impact of remote learning on high school students. They visited the school recently to interview four UCT students for the video. Lt. Governor Karyn Polito visited UCT today, spending well over an hour touring Veterinary Science and Environmental Technology. She also visited the Early Learning Center and the LPN building where she spoke with several of the nursing students. While at the school, she spoke to a female Horticulture student who was operating an excavator which greatly impressed the Lieutenant Governor.

PRINCIPAL'S REPORT: Mr. Greeley, Acting Principal, recapped the fall sports season thus far. He shared that the volleyball team was recently able to host their first game of the season. The team was unable to have home games due to an issue with the gymnasium floor buckling due to the humidity. The problem has been rectified at this time. PSAT's are scheduled for Saturday, October 16th. Ticket sales for the Homecoming Dance, scheduled for October 23rd, have been great. The football game will be held at noon that day and a pep rally will take place on the football field on Friday. A Powder Puff football game has been scheduled for November 19th. Mr. Greeley discussed the

staff in-service day that took place on October 6th. The professional development afternoon consisted of transgender training and an item analysis of MCAS test results.

NEW BUSINESS:

MASC Resolutions – The resolutions that will be put forth at the annual business meeting as part of the MASC conference in November were included in the mailout for discussion. Ms. Crook will be serving as the committee's voting delegate. Ms. Crook made a motion, seconded by Mr. Corriveau, to support the following resolutions as presented:

- *RESOLUTION 1: DEDICATED FUNDING FOR SCHOOLBASED CLINICS AND SERVICES (Sponsored by the Framingham School Committee) WHEREAS there are several overall benefits associated with a coordinated school health program including improved student performance, decreased risky behaviors, reduced drop-out rates, less absenteeism, and support teacher teamwork; and WHEREAS school-based health centers represent cost-effective investments of public resources by reducing inappropriate emergency room use, reducing Medicaid expenditures, preventing mental health issues and suicide attempts, and reducing hospitalizations; and WHEREAS there is a significant increase in healthcare access by students who used school-based health centers; THEREFORE BE IT RESOLVED that MASC support proposals that would establish dedicated funding for school-based physical health and mental health clinics and services.*
- *RESOLUTION 2: HOMEWORK GAP and WIFI/INTERNET ACCESS (Sponsored by the MASC Board of Directors) WHEREAS "the homework gap" is a widely known and documented aspect of the "digital divide" by which students without access to reliable high speed broadband internet at home fall behind their peers academically; and WHEREAS remote and hybrid learning models exposed the homework gap phenomenon and compounded the deeper learning gap dilemma whereby students without reliable, high speed broadband internet access are unable to engage in meaningful digital learning activities; and WHEREAS the students who are most likely not to have access to reliable high speed broadband internet are already chronically and systemically underserved, such as low income, minority, and/or rural students making this a critical equity issue; and WHEREAS Massachusetts Public School Districts continue to invest in digitally rich curriculum materials which provide students with authentic learning opportunities coupled with real work skill development which prepares our students for a digitally rich global economy, the need for reliable high speed broadband internet access will only become more necessary for the students of Massachusetts Public Schools to fully access their curriculum; BE IT RESOLVED that the Massachusetts Association of School Committees file for and support legislation which seeks to provide free broadband internet to all K-12 students in Massachusetts. BE IT FURTHER RESOLVED that MASC support Federal initiatives and legislation to improve national high speed broadband internet infrastructure, expansion the FCCs E-rate Program to include homes of K-12 students, or any other steps to expand free access to reliable high speed broadband to the students of our nation.*

- *RESOLUTION 3: IDEA FULL FUNDING ACT (Sponsored by the MASC Board of Directors) WHEREAS it is the legal responsibility for public schools to provide a free and appropriate education for all students in the least restrictive environment; and WHEREAS the cost to educate students with disabilities who qualify for special education services can be an extraordinary burden on the finances of our public schools, impacting the resources available to all students; and WHEREAS federal funding through IDEA is currently only providing approximately 15% of the extra cost to educate students receiving special education services, far less than the 40% promised in IDEA; and WHEREAS the IDEA Full Funding Act had been proposed to fully fund IDEA through an incremental, seven-year increase in funding which had both bipartisan and bicameral support; The members of the Resolutions Committee met on June 29, 2021 to consider resolutions proposed by member districts and the MASC Board of Directors for consideration at the 2021 Annual Meeting of the Association. Members present were: Andrea Wadsworth, Chair, Lee; Ellen Holmes, Ashburnham Westminster Reg.; Deborah Davis, Northeast Metro Voc. Tech.; Jennifer Storm, Ashburnham Westminster Reg.; Stacey Rizzo, Revere; Beverly Hugo, Framingham; Irene Feliciano-Sims, Holyoke; William Fonseca, East Longmeadow; Paul Schlichtman, Arlington; Margaret Hughes, Narragansett Reg.; Mildred Lefebvre, Holyoke; Robert Swartz, Gardner; Lynn Ryan, Assabet Valley Voc. Tech. The following resolutions were moved forward by the Resolutions Committee and approved by the Board of Directors. Delegate Manual 2021 y page 24 THEREFORE BE IT RESOLVED that the Massachusetts Association of School Committees calls upon the Massachusetts Congressional delegation to reintroduce and promote the passage of the IDEA Full Funding Act.*
- *RESOLUTION 4: RECESS (Sponsored by the MASC Board of Directors) WHEREAS due to regulations promulgated by the Massachusetts Education Reform Act of 1993 which excluded recess from time on learning calculations and the federal No Child Left Behind Act which tied funding and local control of schools to standardized test scores, recess in many Massachusetts Elementary Schools has been diminished or eliminated to provide more time for academics; and WHEREAS the CDC and the Society of Health and Physical Educators have jointly stated that all students should be given at least 20 minutes of recess daily; and WHEREAS research provided by the US Department of Health and Human Services has shown the benefits of recess to include improved social and emotional development, improved memory, attention and concentration, reductions in disruptive behavior in class and increased levels of physical activity; THEREFORE BE IT RESOLVED that the Massachusetts Association of School Committees support legislation (current bills: S.383, H.695) calling for at least 20 minutes of uninterrupted, supervised, safe, and unstructured free-play recess per day which cannot be excluded from structured learning time requirements and may not increase the total number of hours required in the school year for Massachusetts elementary school students.*
- *RESOLUTION 5: ZERO-TOLERANCE POLICIES (Sponsored by the MASC Board of Directors) WHEREAS "Zero-Tolerance" policies and harsh school discipline policies have been shown by the United State Department of Education's Office for Civil Rights to have a disproportionately negative impact on students of*

color, students with disabilities, and students who identify as LGBTQ+; and WHEREAS the US Department of Justice and the US Department of Education have jointly called for public elementary and secondary schools to meet their obligation under Federal law to administer student discipline without discrimination on the basis of race color or national origin and urged in guidance for public schools to find alternatives to “zero-tolerance” and harsh discipline policies; and WHEREAS the majority of suspensions in Massachusetts public schools do not involve violent, criminal or drug related incidents; and WHEREAS students who have been suspended are three times more likely to be “pushed out” or “drop out” of school and these students are 3.5 times more likely to be arrested than students who complete high school; THEREFORE BE IT RESOLVED that the Massachusetts Association of School Committees call upon the Legislature to enact or amend legislation (current bills: S.344, H.664) to encourage the use of restorative, therapeutic and educational approaches to incidents whenever possible over the use of “zero-tolerance” policies in order to provide students the best chance to remain in the public school systems of the Commonwealth.

- RESOLUTION 6: ALTERNATIVE TO MCAS (Sponsored by the MASC Board of Directors) WHEREAS the Massachusetts Association of Schools has taken a firm position opposing high stakes testing; and WHEREAS MCAS testing is considered a “high stakes” test because it is used to determine students’ eligibility to graduate from school regardless of their academic standing in school; and WHEREAS other states, universities and colleges have shown that project based assessments, authentic assessments, portfolios and other tools can provide students with the opportunities to demonstrate academic achievement as an alternative to “high stakes” testing; THEREFORE BE IT RESOLVED that the Massachusetts Association of School Committees call upon the Legislature to establish a commission to research and analyze alternative means for students to demonstrate academic achievement which can be used to satisfy graduation requirements for individual students and accountability standards for Massachusetts Public Schools and School Districts. (Current Bills: S.293, H.612)
- RESOLUTION 7: SCHOOL COMMITTEES AND RECEIVERSHIP (Submitted by the MASC Board of Directors) WHEREAS state receivership includes all powers of the superintendent and school committee (see ((3)) below) THEREFORE BE IT RESOLVED that the Massachusetts Association of School Committees file for and support legislation which seeks to preserve the authority of the elected body, the school committee, as provided in MGL Ch. 69, Sec. 1K by deleting the words “and school committee” as noted and by inserting the following: “Nothing in this section shall permit the Board of Elementary and Secondary Education or the Commissioner to remove the authority of the school committee.” BE IT FURTHER RESOLVED that MASC support local initiatives and legislation to restore school committee oversight of the superintendent and/or receiver, including but not limited to goal setting, performance review, and the evaluation process.
- RESOLUTION 8: ELECTRIC SCHOOL BUSES (Sponsored by the MASC Resolutions Committee) WHEREAS transitioning to electric-powered school buses would reduce the level of greenhouse gas emissions and limit the health risks from fumes; and WHEREAS Congress has been deliberating on strategies to address global warming, including incentivizing low and zero-emission motor

vehicles, including school buses; and WHEREAS advocates for the environment across the country have called for the expenditure of \$30 billion dollars over two years to replace at least half of the nation's school bus fleets with zero-emission electric buses; THEREFORE BE IT RESOLVED that MASC petition Congress to appropriate \$30 billion dollars for improving the electrical supply infrastructure, and providing electric buses and charging stations.

- **RESOLUTION 9: PROHIBITING THE USE OF NATIVE AMERICAN MASCOTS** (Sponsored by the MASC Board of Directors) WHEREAS the Massachusetts Association of School Committees passed a resolution last year resolving that all school districts in the Commonwealth should guarantee that racist practices be eradicated, and diversity, equity and inclusion be embedded and practiced for our students, families, faculty and staff; and WHEREAS the U.S. Commission on Civil Rights called for an end to the use of Native American images and team names by non-Native schools in 2001, stating that "the stereotyping of any racial, ethnic, religious or other groups when promoted by our public educational institutions, teach all students that stereotyping of minority groups is acceptable, a dangerous lesson in a diverse society;" and WHEREAS the American Psychological Association called for the immediate retirement of Native American mascots, logos and nicknames back in 2005, citing research showing that the use of Native American mascots (a) undermines the educational experiences of members of all communities; (b) creates a racially hostile learning environment for all students; (c) has a negative impact on the self-esteem of American Indian children; and (d) undermines the ability of American Indian Nations to portray accurate and respectful images of their culture; THEREFORE BE IT RESOLVED that the Massachusetts Association of School Committees support legislation calling for regulations prohibiting public schools from using an athletic team name, logo, or mascot which names, refers to, represents, or is associated with Native Americans, including aspects of Native American cultures and specific Native American tribes.*

Seven in favor; Ms. Smith opposed. Motion passed.

Stabilization Fund Payment – Ms. Smith made a motion, seconded by Ms. Crook, to follow the recommendation of the Budget Sub Committee and approve the payment of the FY22 Stabilization Capital Fund in the amount of \$120,000 for fiscal year 2022. The FY22 budget included this payment in the Capital budget line item. This fund has been established for future capital projects. Motion passed unanimously.

OPEB Trust Payment – Ms. Smith made a motion, seconded by Ms. Crook, to follow the recommendation of the Budget Sub-Committee to process a payment of \$50,000 to the OPEB Trust Account for fiscal year 2022. The FY22 budget included \$50,000 in the Health Insurance Benefits line for a payment to the OPEB Trust account. The district established this account during the fiscal year 2015. Motion passed unanimously.

Approval of Surplus Bid List – Mr. Corriveau made a motion, seconded by Ms. Smith, to dispose of the following equipment by surplus bid:

- Cambro ADCS401 37 7/8" Mobile Dish Caddy – 2 available
- Hobart Meat Slicer
- CADCO CAPO-803 Convection Oven Combi Oven Full Size with stand– Electric
- CADCO - APO-603: Full Size Combination Oven with Stand – Electric
- 20 qt. Hobart Mixer – 2 available
- Hobart Food Chopper
- Blodgett Convection Oven DFG-100-Stack
- Traulsen Reach-in Cooler 4-door (3)
- Vulcan Gas range GH56
- Vulcan Convection Oven Double Oven
- Blodgett Convection Double Oven
- Kitchen Aid Mixer Professional 600 – 2 available
- Kitchen Aid Mixer Professional – 2 available
- HON Trap Tables – 45 available

Motion passed unanimously.

Admissions Policy – First Reading – The draft admissions policy was included in the meeting mailout. The policy has been revised in accordance with the latest vocational-technical regulations and has been reviewed by the Policy Sub-Committee.

Mr. Corriveau made a motion, seconded by Mr. Cammarano, to adjourn the regular meeting at 7:20 P.M. Motion passed unanimously.

A True Copy Attest

Date: 11-18-2021
(Seal)


Sharon R. Brito, Secretary

Documents reviewed / referred to:

- 10/14/2021 School Committee Packet
- Letter of Retirement Dated 10/07/2021 from R. Stewart
- Thank You Note from A. Polansky, Superintendent at Old Colony Regional Vocational-Technical High School
- Thank You Letter Dated 09/30/2021 from Friends of Bourne Council on Aging
- Thank You Letter from Mr. & Mrs. Scott Regarding Eagle Ceremony
- Appreciation E-Mail from Parent to Automotive Collision Teachers Dated 09/24/2021
- 10/14/2021 Treasurer's Report
 - Bostonian Demon News Article

UPPER CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT COMMITTEE
NOVEMBER 18, 2021 MEETING HELD AT THE SCHOOL
220 SANDWICH ROAD, BOURNE, MA 02532

BOURNE SD OF SELE
NOV 2021 DEC

PRESENT: Robert Fichtenmayer, Chair; Ellen Barber; Dominic Cammarano; Thomas Corriveau; Mary Crook; Michael Degan; Christine Marcolini; David P. Sampson; Maryann Smith; Roger Forget; Josh Greeley; Sharon Brito, Recording Secretary.

ABSENT: None.

The meeting was called to order at 6:15 p.m. followed by the Pledge of Allegiance to the Flag. Mr. Fichtenmayer announced that the meeting was being recorded via an audio device.

STUDENT ADVISORY REPRESENTATIVE: Jessica Rotondo, a senior from Sandwich in Environmental Technology, freshman Sara Rotondo also from Sandwich, and Katie Clondas, a senior from Falmouth in Culinary Arts, updated the committee on school activities including updates on the fall athletic teams and the extra-curricular clubs. They reminded the committee that the annual craft fair, sponsored by the Parent Teacher Organization, will take place on November 20th and 21st. The InterAct Club will be selling popcorn and providing face painting during the event. The InterAct Club, along with the junior class advisors, are also hoping to plan a winter formal dance. A Powder Puff touch football game will take place under the lights on November 19th at 5 p.m. The game will be a contest between the girls in the junior class and the girls in the senior class. Finally, the students informed the committee that the National Honor Society Induction Ceremony will be held on Wednesday, December 8th.

STUDENT SPOTLIGHT / CURRICULUM UPDATE: None.

PUBLIC PARTICIPATION: None.

APPROVAL OF MINUTES: A motion was made by Ms. Crook, seconded by Mr. Corriveau, for approval of the minutes of the October 14, 2021 regular meeting. Eight in favor; Mr. Degan abstained. Motion passed.

COMMUNICATIONS: The Superintendent read a note from the Sandwich Food Pantry thanking the UCT staff for their donation of \$150.00 that was raised through a Jeans Friday. He then read a note from Horan Communications thanking the school for coordinating their recent visit to UCT to film students as part of a MASC video project regarding the return to in-person learning after COVID. Mr. Forget also read an e-mail

from Kim Carman, Evening Custodial Supervisor, regarding the Homecoming Dance. Mr. Carman expressed the success of the Homecoming Dance stating that "the level of energy in our building was something I do not believe I have ever seen." He went on to commend the student and staff volunteers and the administration for the incredible job planning and organizing the event. The Falmouth Service Center also sent a letter expressing their appreciation of a \$95.00 donation raised through a Staff Jeans Day. The Superintendent read letters of appreciation from two staff members; Jennifer McDonald and Victoria DeCosta, expressing their appreciation for being selected to attend MAVA Leadership Academy I. In their letters, both of the individuals detailed the knowledge that they gained at the academy and how that knowledge will be incorporated into their current roles as well as in their future endeavors. Finally, Mr. Forget read thank you e-mails from two members of the Osterville Men's Club expressing their appreciation for their recent visit to the school which included lunch and a tour. Both gentlemen expressed the impressiveness of the students, staffs, and technical shops. The organization would like to begin sponsoring a scholarship or tool award for UCT graduates.

REPORT OF COMMITTEES:

Negotiations – Ms. Crook reported that negotiations with Unit A have begun and the sub-committee will keep the full committee updated as the process continues.

Superintendent Evaluation – A meeting of the Superintendent Evaluation Sub-Committee was scheduled for Monday, December 6th at 4 p.m.

TREASURER'S REPORT: Mr. Degan distributed the Treasurer's Report for warrants #16 and #18 highlighting the larger expenditures on the warrants including employee health insurance, utilities, cafeteria food, student bussing and the purchase of a hydraulic lift for Automotive Technology and a Z-sprayer for Horticulture. He also discussed revenue received from the wind turbine with ConEd and net metering credits from the solar canopies.

SUPERINTENDENT'S REPORT: Mr. Forget discussed the Massachusetts Association of School Committees annual conference which took place earlier in the month. Committee members who attended the conference agreed that it was a little "lackluster" compared to previous years due to the ongoing COVID-19 concerns. Next, the Superintendent updated the committee on the football game that took place at Southeastern Regional Vocational Technical High School. Due to the unsportsmanlike conduct of the Southeastern team, the game generated quite a bit of negative publicity and media attention. Mr. Forget stated that the UCT team has moved past the unfortunate incident and is looking forward to their Thanksgiving game against Cape Cod Tech. Ms. Crook commended Mr. Forget for the statement that he made to the media concerning this incident. The owner of Glynn Electric visited the school recently for lunch and a tour of the school, specifically of the Electrical shop. Glynn Electric is one of the largest non-union electrical contractors on the Southcoast and into New Hampshire. They operate their own apprenticeship school. Mr. Forget stated that he is looking forward to building

a relationship with this company which will assist our students in co-op placements, etc. The Superintendent informed the committee that he is participating on the Bourne Town Administrator Screening Committee as an ex-officio member. Finally, Mr. Forget reported that a meeting was held recently with town officials from the district towns to appoint an individual to serve on the School Committee for the sole purpose of contract negotiations. James McGrail, the Town Administrator from Marion, has volunteered to serve in this capacity for the duration of the negotiations with Unit A and Unit B.

PRINCIPAL'S REPORT: Mr. Greeley, Acting Principal, informed the committee that a training was conducted on sportsmanship and harassment for all of the fall and winter coaches immediately following the incident at Southeastern Regional. The golf team won the state tournament and the coach, Matt Lombard, was named Coach of the Year. The boys' soccer team as well as the cheer team qualified for the playoffs and members of the cross-country team broke records. Eighty students have signed up for winter sports thus far and there were approximately 200 people at the fall sports banquet. Additionally, 70 students will be participating in the Powder Puff touch football game tomorrow night. Mr. Greeley shared that a Kathy Sullivan, a mother who lost her daughter as a result of excessive underage drinking, will be speaking with freshmen and juniors next week regarding the dangers of teenage drinking and drug use. Mr. Greeley reported that there were 420 students in attendance at the Homecoming Dance last month and that the event went very smoothly. First term has ended and the MCAS Math retakes have been completed. He informed the committee that the National Honor Society Induction Ceremony will take place on December 8th at 7 p.m. with twelve students being inducted. The Acting Principal went on to state that the extra-curricular clubs are very active this year which is great to see. Mr. Greeley shared that the Horticulture students won first place in the hardscape competition that was recently held at Upper Cape Tech. Finally, he stated that the Carpentry students will begin framing on the Engineering building soon. Discussion then ensued regarding open houses, summer camp, and the admissions process.

NEW BUSINESS:

Substitute Pay Rates – Mr. Forget referenced the memo that was included in the meeting mailout which compared the pay rate for substitute teachers in several of our surrounding communities, noting that UCT's daily rate was significantly lower. Mr. Sampson made a motion, seconded by Ms. Smith, to follow the recommendation of the Superintendent and increase the daily rate for substitute teachers from \$80.00 per day to \$120.00 effective immediately. Motion passed unanimously.

Admissions Policy – Final Adoption – Mr. Degan made a motion, seconded Mr. Corriveau, for final adoption of the Admissions Policy as presented. Motion passed unanimously.

Surplus Bid Awards – Ms. Crook made a motion, seconded by Mr. Corriveau, to accept the following bids for surplus equipment:

- 20 qt. Hobart Mixer for \$325.00
- Kitchen Aid Mixer Professional 600 for \$20.00
- Kitchen Aid Mixer Professional for \$20.00

Motion passed unanimously.

Mr. Forget informed the committee that he has been approached by the Cape Cod Collaborative in regard to the school donating a portion of the remaining surplus equipment as listed below to the Collaborative or allowing them to purchase the equipment at a "fair market value price."

- Cambro ADCS401 37 7/8" Mobile Dish Caddy – 2 available
- Hobart Meat Slicer
- CADCO CAPO-803 Convection Oven Combi Oven Full Size with stand– Electric
- CADCO - APO-603: Full Size Combination Oven with Stand – Electric
- 20 qt. Hobart Mixer – 2 available
- Hobart Food Chopper
- Blodgett Convection Oven DFG-100-Stack
- Traulsen Reach-in Cooler 4-door (3)
- Vulcan Gas range GH56
- Vulcan Convection Oven Double Oven
- Blodgett Convection Double Oven
- Kitchen Aid Mixer Professional 600 – 2 available
- Kitchen Aid Mixer Professional – 2 available
- HON Trap Tables – 45 available

Ms. Smith made a motion, seconded by Ms. Crook, to authorize the Superintendent to donate the remaining surplus equipment to the Cape Cod Collaborative. Motion passed unanimously.

April Meeting Date – The Superintendent informed the committee that the Outstanding Vocational Student Awards Banquet has been scheduled on the same date as the April School Committee meeting. If the banquet is still held, the April meeting date will need to be rescheduled. Mr. Degan made a motion, seconded by Mr. Corriveau, to table this agenda item until a future date. Motion passed unanimously.

Mr. Cammarano made a motion, seconded by Mr. Degan, to adjourn the regular meeting at 7:19 P.M. Motion passed unanimously.

A True Copy Attest

Date: 12-9-2021
(Seal)


Sharon R. Brito, Secretary

Documents reviewed / referred to:

- 11/18/2021 School Committee Packet
- Thank You Letter from Sandwich Food Pantry re: Jeans Day Donation
- Thank You Note from Horan Communications re: MASC Student Video
- E-Mail Dated 10/24/2021 from K. Carman re: Homecoming Dance
- Thank You Letter Dated 11/02/2021 from Falmouth Service Center re: Jeans Day Donation
- Thank You Letter Dated 11/09/2021 from J. McDonald re: MAVA Leadership Academy I
- Thank You Letter from V. DeCosta re: MAVA Leadership Academy I
- Thank You E-Mails from the Osterville Men's' Club (2)
- Treasurer's Notes Dated 11/18/2021

Cannon, Glenn

From: Cannon, Glenn
Sent: Wednesday, December 15, 2021 2:37 PM
To: John York [REDACTED]
Subject: FW: Selectboard meeting December 15, 4:00 PM

Hi John,

The message below was forwarded to me. I offer the following in response:

The Board of Selectmen meeting posted at 4 PM today is a precautionary posting in case three (3) or more Select persons attend the meeting.

Based on a polling by town staff of individual Board of Selectmen members, town staff is anticipating that a quorum of the Board will NOT be present and therefore a Board of Selectmen meeting will NOT take place.

Therefore town staff did NOT want to mobilize the BourneTV crew and ask them to set up for a meeting that was NOT anticipated to occur.

Please let me know if you have any further questions.

Glenn

From: [REDACTED]
Date: December 15, 2021 at 11:52:29 AM EST
To: info@bournetv.com, All Selectmen <Selectmen@townofbourne.com>, "Meier, Peter" <PMeier@townofbourne.com>, Moderator <moderator@townofbourne.com>
Subject: Selectboard meeting December 15, 4:00 PM

Dear Bourne TV,

The agenda for the Selectboard's special meeting tomorrow, Wednesday, December 15, at 4:00 PM, says the meeting will not be televised and will not be recorded.

<https://www.townofbourne.com/home/events/173761>

Is there a reason you will not be televising this meeting? Would you please consider televising and recording this meeting?

The subject of the meeting is procedures and improvements to procedures for Town Meeting. This subject should be of interest to all residents of the Town. The meeting is being held at an unusual time of day. Many people will not be able to attend this meeting. It is likely many are unaware of this meeting and will only hear about it later.

Thank you for your continuing dedication to keeping our town well informed.

John York



Glenn Cannon, P.E.
Town of Bourne
Acting Town Administrator
24 Perry Avenue
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NOVEMBER 4, 2021

CLIMATE RESILIENCE

A SURVEY OF MASSACHUSETTS MUNICIPALITIES

UMass

Northeast Center for Coastal Resilience

University of
Massachusetts
Amherst



Citation:

Vicarelli, Marta, Yu Ya Htut Tin, Madeline Leue, Aryen Shrestha, Mathew Barlow, Darci Connor Maresca, Andy Danylchuk, Robert Darst, Robert DeConto, Jynessa Dutka-Gianelli, John Duff, Gavin Fay, Jill Fitzimmons, James Heiss, Kelly Hellman, Katherine Kahl, Stratton Lloyd, Sheree Pagsuyoin, Meredith Rolfe, Eric Thomas, Iren Valova, 2021. "Climate Resilience: a Survey of Massachusetts Municipalities" *University of Massachusetts Amherst*, MA, USA.

Report prepared by a team of researchers at the **University of Massachusetts Amherst, Boston, Dartmouth, and Lowell campuses** with the support of the **Massachusetts Municipal Association (MMA)**.

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- Iren Valova, Department of Computer and Information Science, University of Massachusetts Dartmouth

We are very grateful to the Massachusetts Municipal Association (MMA) for their partnership during every stage of the project, from facilitating the organization of focus groups during the survey design to disseminating the survey to Massachusetts municipalities. Special thanks go to Candace Pierce, MMA's Director of Communications and Membership and Ariela Lovett, MMA's Legislative Analyst.

We would also like to thank the following regional planners and municipal leaders for participating in our focus groups and for their helpful feedback during the survey design: Michele Paul, Director of Resilience and Environmental Stewardship, City of New Bedford; Melissa Simoncini, Environmental Services Program Administrator, Town of Concord; Anne Herbst, Principal Environmental Planner, Metropolitan Area Planning Council (MAPC); Courtney Lewis, Regional Land Use Planner, MAPC; Leah Robins, Senior Government Affairs Specialist, MAPC; Sasha Shyduroff, Senior Clean Energy and Climate Planner, MAPC; Heather McElroy, Natural Resource Specialist, Cape Cod Commission (CCC); Steven Tupper, Transportation Program Manager, CCC; Mary Waldron, Executive Director Mary Waldron, Old Colony Planning Council (OCPC); Ray Guarino, Principal Transportation Planner, OCPC; Laurie Muncy, Director of Community Planning and Economic Development, OCPC; and Elijah Romulus, Senior Comprehensive Planner, OCPC.

Our gratitude goes also to numerous planning agencies for supporting the survey dissemination: Cape Cod Commission (CCC), Martha's Vineyard Commission (MVC), Metropolitan Area Planning Council (MAPC), Merrimack Valley Planning Commission (MVPC), Montachusett Regional Planning Commission (MRPC), Nantucket Coastal Resilience Advisory Committee, Northern Middlesex Council of Governments (NMCG), Old Colony Planning Council (OCPC).

November 4, 2021

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EXECUTIVE SUMMARY

This survey-based study provides a comprehensive outlook and data baseline on climate resilience in Massachusetts from the point of view of municipalities. Disseminated to all of Massachusetts' 351 municipalities in August-October 2021, the survey received responses from 111 municipalities.

This study is part of the local engagement activities of the Northeast Center for Coastal Resilience (NCCR), a knowledge hub involving campuses of the University of Massachusetts system. The results of the survey will be used to align the hub mission, research activities, and deliverables with the actual regional needs of municipalities, planning agencies, decision makers, and practitioners. We will continue monitoring the resilience indicators collected in this baseline study in subsequent studies.

Section 1 outlines the **climate hazards experienced by Massachusetts municipalities**. Compared to inland municipalities, respondents from coastal municipalities reported more frequently greater effects from all climate hazards (e.g., severe storms and high-wind events, storm surges, sea-level rise, flooding, higher tides etc.), with the exception of heat waves and droughts that are more frequently reported by inland municipalities.

Section 2 describes the self-reported **climate impacts** both observed and anticipated by survey respondents, including environmental, infrastructural, and economic impacts.

- For most climate impacts (i.e., environmental, infrastructural, and economic) we observe an increasing severity gradient from inland areas to coastal communities.
- Negative impacts on coastal infrastructure (e.g., shoreline retreat, and impacts to ports and other coastal infrastructure) and on the blue economy (e.g., commercial fisheries) seem to have noticeable economic ramifications also in inland municipalities. This suggests a strong economic interdependence between coastal and inland municipalities.
- Population migration related to climate change seems to be a source of concern for both coastal and inland municipalities. In coastal municipalities, the most frequently reported strong economic impacts include additional costs related to disaster response, decreases in housing availability, and difficulty obtaining home and business insurance. More than 10% of respondents reported that their community is already strongly affected by increase in housing insecurity, and outmigration of residents. Meanwhile respondents in inland municipalities are more likely to anticipate future economic impacts from the in-migration of residents.

Section 3 investigates the **equity and social justice** dimensions of vulnerability to climate change in municipal settings.

- Veterans; Black, Indigenous, and other People of Color (BIPOC); and immigrants are identified as vulnerable groups by about 30% of respondents. Fewer than 20% of municipalities reported having dedicated resources to these populations in an effort to increase their resilience capacity.

- More than 75% of respondents identified elderly residents, people with disabilities, and low-income residents as groups vulnerable to climate change. These groups are also more likely to be the focus of targeted municipal resilience programs.
- Equitable resilience and adaptation planning requires reliable data to monitor climate impacts on vulnerable groups. Unfortunately less than 30% of municipalities seem to have access to reliable socio-economic indicators (e.g., employment statistics; food security metrics; health statistics; and housing and security indicators) and in less than 10% of cases the data available is disaggregated by race and ethnicity.

Section 4 analyzes the **resilience strategies** already adopted by municipalities and the strategies that they hope to adopt in the future:

- A large majority of respondents (89%) indicated that climate adaptation and resilience planning are a priority in the planning documents of their municipality. 80% have completed a vulnerability/risk assessment.
- Compared to inland municipalities, coastal municipalities seem to be more likely to have already adopted, and be interested in the future adoption of a vast array of engineering and nature-based resilience strategies.
- Strategies that municipalities most frequently report not having adopted and wanting to adopt in the future include: creation of post-disaster redevelopment plans (75%); increasing the climate resilience of telecommunication networks (74%); the development of adaptive management capacity (72%); weatherization and retrofitting of buildings (64%); improvement or expansion of stormwater drainage systems (61%); and increasing the resilience of power stations (60%); changes to building, plumbing, septic, and electrical codes (59%); changes to municipal zoning or planning practices (59%).

Section 5 examines the nexus between **covid-19 economic recovery strategies and the enhancement of municipal sustainable programs**, including resilience strategies, with a particular focus on financing opportunities.

- The most frequently reported post-covid sustainable recovery strategies (to be financed by state and federal COVID-19 recovery funds) focus on climate mitigation and include: electric vehicle charging infrastructure; expanded installation of renewable energy capacity within municipalities; and energy efficiency programs.
- Climate adaptation and climate resilience strategies are less frequently selected than climate mitigation strategies; they include climate resilient energy infrastructure and nature-based solutions to improve storm-water management or to prevent flooding and erosion.

Section 6 explores the **barriers that hinder or slow the implementation of resilience recovery strategies** including possible constraints on municipal resources, coordination and governance failures, and difficulties in accessing data.

- The most frequently reported implementation barrier to climate change resilience plans is limited staffing capacity, especially in smaller municipalities (92% of respondents from towns and 85% from cities).
- Other frequently reported barriers include lack of municipal expertise to address complex climate change issues (including assessing fiscal/economic impacts); insufficient resources to mobilize broad

community support; difficulties changing regulations and by-laws; lack of a centralized way to identify funds; lack of grant-writing capacity; lack of regulatory authority to support enforcement of strategies; need for more regional cooperation and intra-municipal coordination; and insufficient metrics and tools to monitor progress.

Section 7 concludes analyzing the **most urgent needs of Massachusetts municipalities** to facilitate and accelerate the implementation of climate resilience strategies.

- Economic evaluations of climate change impacts (89%) and local CO2 emissions data (59%) are the two types of data most frequently indicated as needed but not easily accessible. These data are crucial respectively in climate adaptation planning and in monitoring climate mitigation progress (i.e., actions that reduce emissions of greenhouse gases).
- Expert assistance, tools, and metrics to monitor impacts of climate change at the local level are among the resources most frequently selected (especially by cities) as most helpful to make progress toward climate adaptation.

Section 8 presents the **perspective of planning agencies** that participated in our survey. Their responses confirm the trends observed in municipal data. They also provide insights on challenges related to permitting costs necessary to implement resilience strategies.

NORTHEAST CENTER FOR COASTAL RESILIENCE: MISSION AND GOALS

The Northeast Center for Coastal Resilience (NCCR)¹ will serve as a regional knowledge hub to provide actionable coastal science, inform policy and local decision making, support sustainable blue economy development, and facilitate strategic regional collaborations. The survey results will help align the mission of the Center with regional needs of communities, practitioners, businesses, and decision-makers.

There is an urgent need for regional collaboration in order to better understand the risks and impacts of climate change as well as the promising opportunities for the blue economy, adaptive planning, and coastal resilience. Climate change impacts on the Northeast will be most acute at the coast. New England is experiencing faster rates of atmospheric warming, coastal waters warming, and sea level rise, creating a compound effect. Here in Massachusetts, communities are increasingly impacted by rising waters, flooding, extreme storms, and erosion. These rapidly changing natural systems are intimately connected to people and society, requiring a holistic, systems-based approach to research, planning, development, training, and engagement with sustainable practices to enhance co-production, adaptation, and resilience.

Resources

NCCR is a proud partnership with UMass Amherst, Boston, Dartmouth, and Lowell campuses. Leveraging world-class scientists and scholars from across the Commonwealth's public universities, the Center aims to be a catalyst, accelerating resilience, adaptation planning, and a just blue economy in New England. NCCR's research team includes over 60 faculty with expertise ranging from physical sciences to engineering, technology, socio-economic and behavioral sciences, and stakeholder engagement. Serving as a hub, the NCCR team is also actively developing collaborative partnerships throughout the region with municipalities, planning agencies, public agencies, non-profit organizations, businesses, and other local stakeholders. Each campus brings important collaborating units to the NCCR partnership: UMass Amherst's School of Earth & Sustainability and Gloucester Marine Station, UMass Boston's Stone Living Lab and Nantucket Field Station, UMass Dartmouth's School for Marine Science & Technology, and UMass Lowell's Rist Institute for Sustainability & Energy.

Mission

Our mission is to "advance actionable coastal science, inform policy and decision making, and support Blue Economy development" in coastal New England and beyond.

Approach

To ensure the Center's research is timely, responsive, and aligned with the pressing needs of our region, NCCR's team is actively developing regional partnerships. The goal is to engage with the diverse range of leaders, communities, and stakeholders involved with adaptation, regional planning, climate resilience,

¹ NCCR: www.umass.edu/ses/nccr

management, and the blue economy. The Center will conduct basic and applied research aimed at understanding the key interactions between the socio-economic, built environment, and ecological features of coastal systems and shifting environmental stressors of a changing climate with rising sea levels. This research will yield valuable outputs to the regional and coastal communities. Foundational knowledge, actionable science, state-of-art tools and guidance, capacity building, regional engagement, and workforce training are some of NCCR's contributions to the region.

NCCR will take a collaborative approach to co-produce new knowledge and tools. Working collaboratively with stakeholders will ensure the science and activities effectively assist decision-makers, practitioners, and businesses on the front lines of climate change in Massachusetts. Moreover, NCCR will tailor tools and guidance to support thriving, equitable, and just coastal communities as they navigate an uncertain future.

In conclusion, regional partnerships will drive the relevance and success of NCCR as a hub for discovery, knowledge sharing, training, engagement, and collaboration.

CLIMATE RESILIENCE

A SURVEY OF MASSACHUSETTS MUNICIPALITIES

INTRODUCTION

A team of researchers from the University of Massachusetts system conducted a survey of Massachusetts municipalities and planning agencies from August 9th, 2021 to October 1st, 2021. The purpose of this survey was to gather information about the climate change hazards and impacts experienced in coastal and non-coastal (i.e., inland) municipalities; the resilience strategies adopted to address these challenges; the barriers encountered during the design and implementation of resilience strategies; and the data needs of Massachusetts communities and planning agencies to aid implementation of resilience strategies.

The results of this survey will be used to refine the mission of the Northeast Center for Coastal Resilience (NCCR), a knowledge hub involving all campuses of the University of Massachusetts system. Section 1 of this report provides more details about NCCR's general mission and goals.

Methodology

The Massachusetts Municipal Association (MMA) facilitated the organization of focus groups during the survey design and helped disseminate the survey to all Massachusetts municipalities. Numerous planning agencies contributed to the dissemination of the survey to municipalities within their region, including the Cape Cod Commission (CCC), the Martha's Vineyard Commission (MVC), the Metropolitan Area Planning Council (MAPC), the Merrimack Valley Planning Commission (MVPC), the Montachusset Regional Planning Commission (MRPC), the Northern Middlesex Council of Governments (NMCG), and the Old Colony Planning Council (OCPC).

The survey was distributed online to the municipal leaders in all of Massachusetts' 351 municipalities. We received 141 responses from 111 municipalities. In a few cases, the survey was answered by multiple administrators from the same municipality. We included all answers in our analysis, the reason for this is that respondents from the same municipality usually completed different portions of the survey in relation to their area of expertise and work. In addition, 10 planning agencies completed the survey.

Figure 1a and 1b show the spatial distribution of the municipalities that took part in the survey, presented by county (Figure 1a) and by planning region (Figure 1b).

Figure 1a. Municipal survey responses by county

(n = 111)

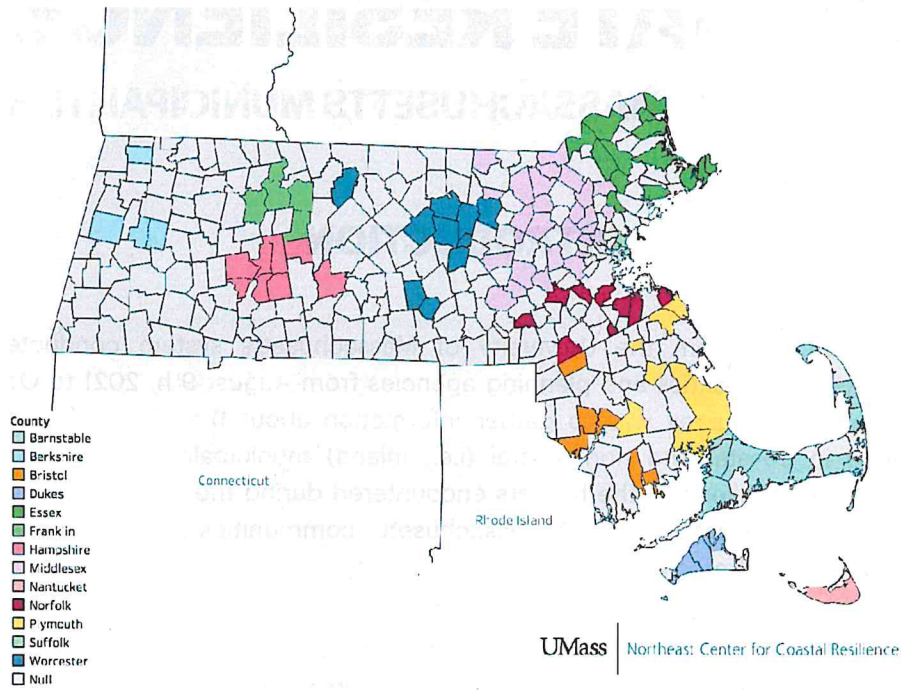
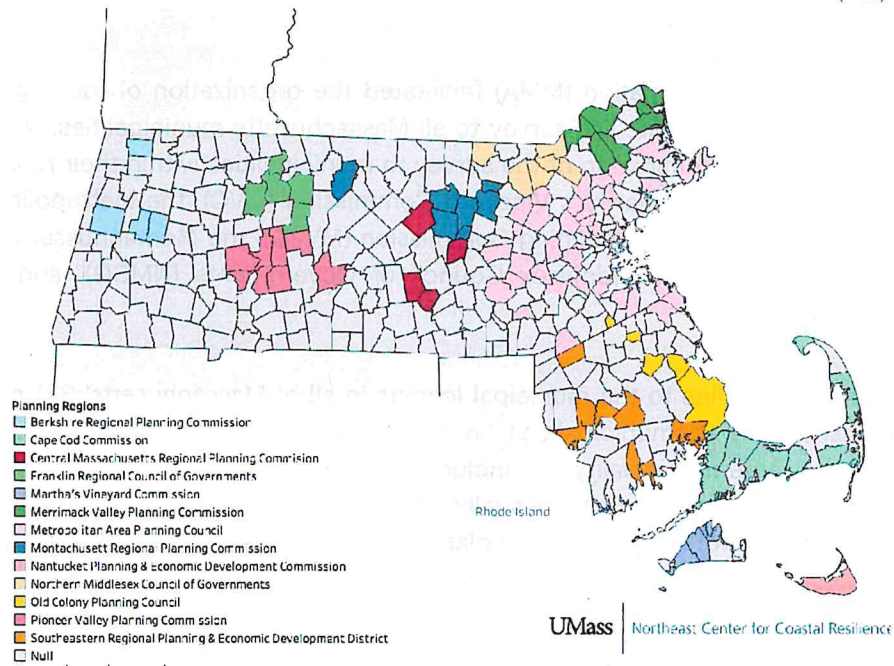


Figure 1b. Municipal survey responses by planning region

(n = 111)



All Massachusetts counties and planning regions are represented in the survey sample. In performing our analyses we offer comparisons between coastal and inland municipalities; coastal municipalities are identified based on the categorization by the Massachusetts Office of Coastal Zone Management².

Table 1. Characteristics of municipalities				
	Massachusetts		Sample in this study	
	Count	Percent of Total	Count	Percent of Total
Total number of municipalities	351	-	111	-
Number of cities	39	11%	21	19%
Number of towns	312	89%	91	81%
Coastal municipality (*)	78	22%	40	36%
Inland municipality	273	78%	71	64%
Not rural (**)	191	54%	75	67%
Rural level 1	104	30%	24	21%
Rural level 2	56	16%	13	12%
Average municipal per capita income (***)	\$43,071		\$49,531	
Average municipal population size (****)	19,637		21,549	

Sources:

(*) Coastal municipalities are identified based on the categorization by the Massachusetts Office of Coastal Zone Management: [Link](#)

(**) The definition of rurality is provided by the Massachusetts government. [Link](#)

(***) Per capita income in 2020 dollars - US Census [Link](#)

(****) 2019 US Census [Link](#)

The survey responses were likely not from a random sample of Massachusetts municipalities. Larger and wealthier municipalities, often associated with more urban areas, are more likely to have more resources (including staff members) dedicated to climate change issues, and for this reason they are more likely to respond. In our sample, the percentage of survey respondents from cities³ (as opposed to towns) and of

² Massachusetts Office of Coastal Zone Management: <https://www.mass.gov/files/documents/2016/11/nt/czm-regions.pdf>

³ Municipalities in the state of Massachusetts are classified as either towns or cities. Under state law the classification is based on their form of government. Towns have an open town meeting or representative town meeting form of government. Cities adopt a mayor-council or council-manager form. Based on the form of government, there are 294 towns and 57 cities in Massachusetts. There are 14 communities that have applied for, and been granted, city forms of government, though they wish to be known as "The Town of". List of cities and towns on the Massachusetts Secretary of State's website: <https://www.sec.state.ma.us/cis/cisctlist/ctlistalph.htm>
More information, including updated number of cities and towns: <https://www.sec.state.ma.us/cis/cisctlist/ctlistidx.htm>

municipalities that are not in rural areas⁴ are higher compared to Massachusetts as a whole (Table 1). Average municipal per capita income and average population size are also slightly higher in our sample than the Massachusetts averages.

Despite this limitation, the survey results provide insightful information about climate impacts experienced by Massachusetts municipalities, and about their resilience strategies and needs. Actual impacts may be slightly underestimated because municipalities represented in our sample are on average wealthier than the Massachusetts average, and therefore have more resources to mitigate vulnerability to climate change impacts.

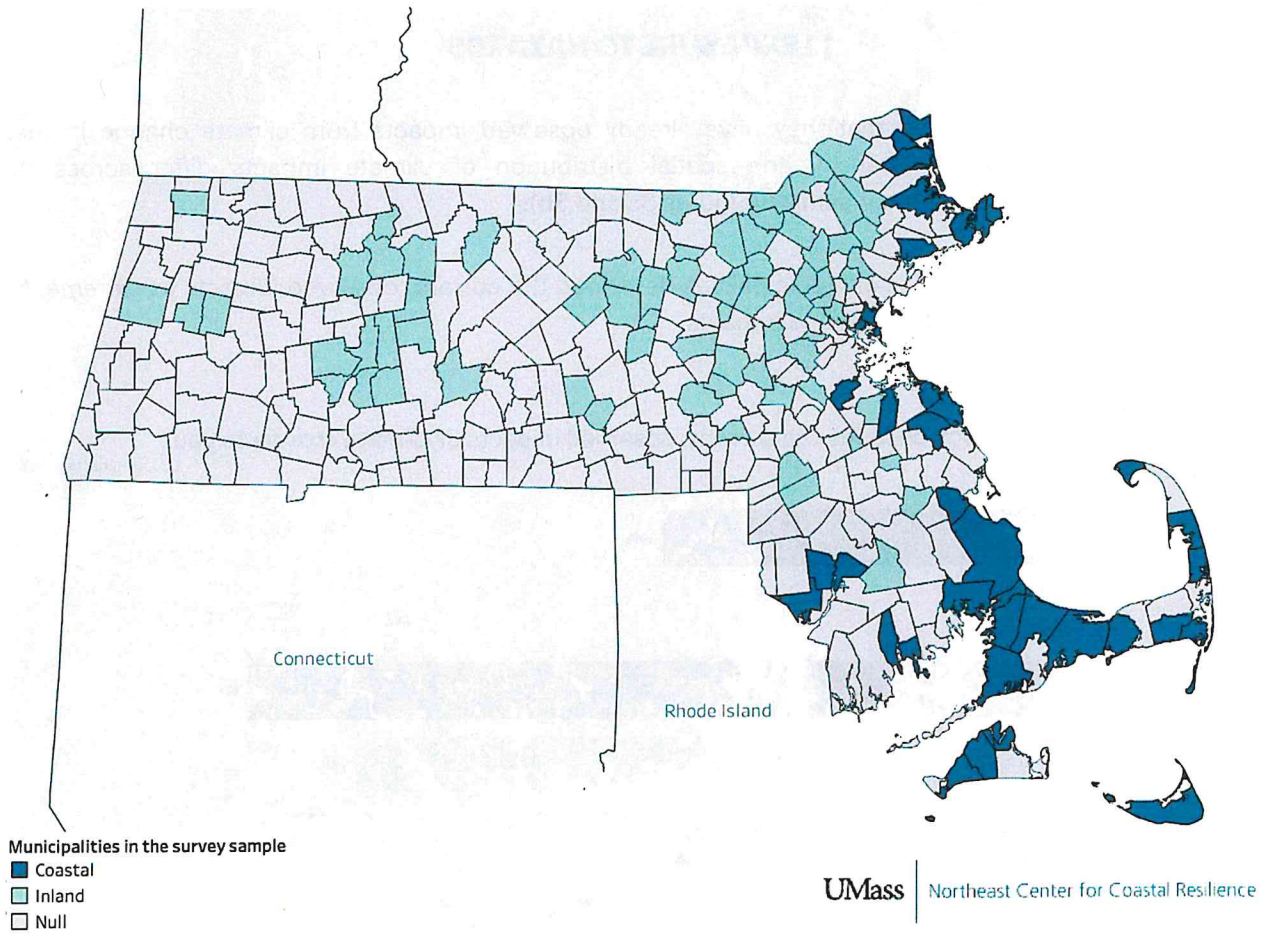
The remainder of the report is organized as follows: section 1 outlines the climate hazards experienced by Massachusetts municipalities; section 2 describes the self-reported climate impacts both observed and anticipated by survey respondents, including environmental, infrastructural, and economic impacts; section 3 investigates the equity and social justice dimensions of vulnerability to climate change in municipal settings; section 4 analyzes the resilience strategies adopted by municipalities and the strategies that they hope to adopt in the future; section 5 examines the nexus between covid-19 economic recovery strategies and the enhancement of municipal sustainable programs, including resilience strategies, with a particular focus on financing opportunities; section 6 explores the barriers that prevent or slow down the implementation of resilience recovery strategies including possible constraints in municipal resources, coordination and governance failures, and difficulties in accessing data; section 7 analyzes the most urgent needs of Massachusetts municipalities to facilitate and accelerate the implementation of climate resilience strategies; section 8 concludes presenting the perspective of planning agencies.

A comparative analysis between the survey results from inland and coastal municipalities (Figure 2) is offered throughout the report. While answering the survey, respondents often provided additional feedback sharing comments and thoughts; the report includes a selection of these contributions. In order to protect participants's confidentiality these contributions are reported as anonymous quotes.

⁴ We refer to the definition of rurality provided by the Massachusetts government:
<https://www.mass.gov/service-details/state-office-of-rural-health-rural-definition>

Figure 2. Coastal and inland municipalities in the survey sample*

(n = 111)



(*) Coastal municipalities are identified based on the categorization by the Massachusetts Office of Coastal Zone Management

1. HAZARDS

This section gauges the different types of climate-related hazards already observed in Massachusetts municipalities and their degree of severity. It also presents the hazards that municipalities expect will become an issue in the future.

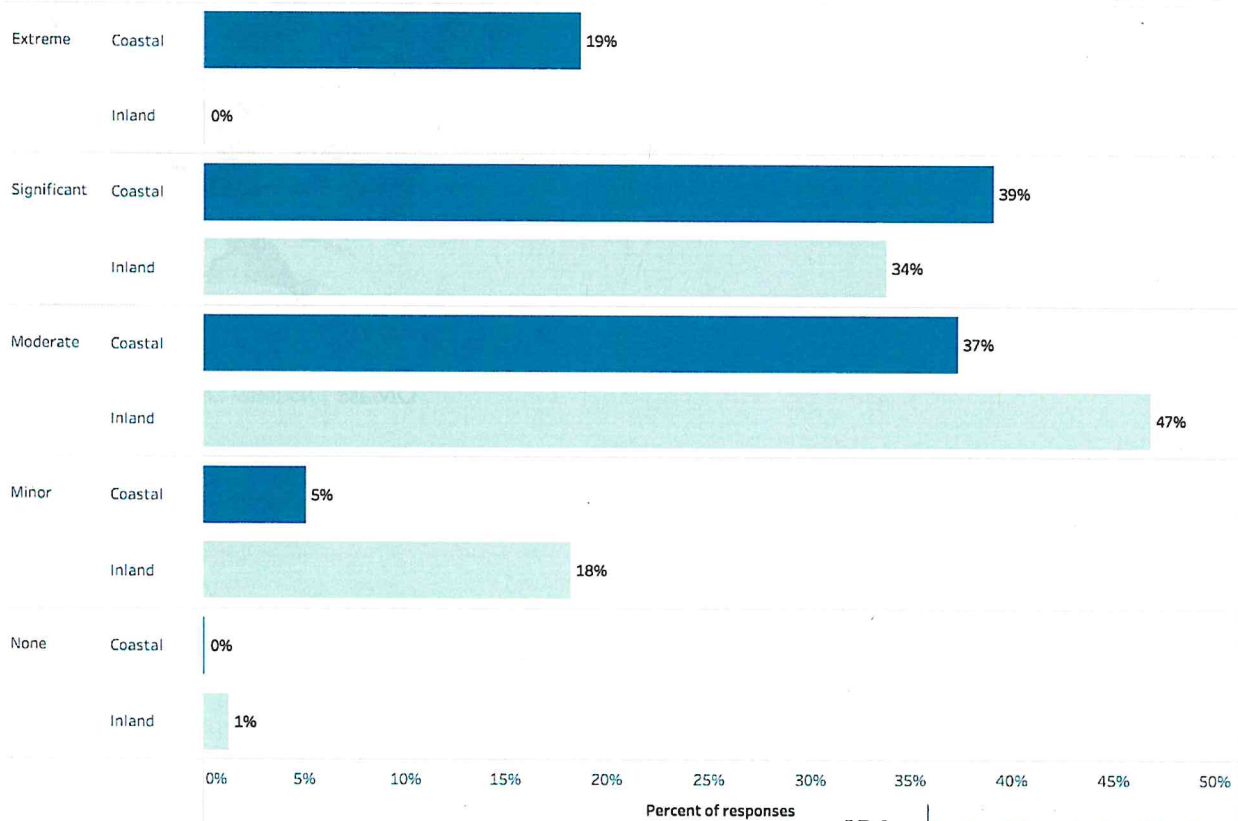
1.1 EXPOSURE TO HAZARDS

99% of municipalities reported that they have already observed impacts from climate change in their municipality. The perceived intensity and spatial distribution of climate impacts differ across the Massachusetts municipalities in our sample (Figures 3a and 3b):

- 19% of respondents from coastal municipalities described the current, observed impacts as *extreme*. No inland municipalities reported extreme impacts.

Figure 3a. How would you describe the current, observed impacts of climate change to your municipality?

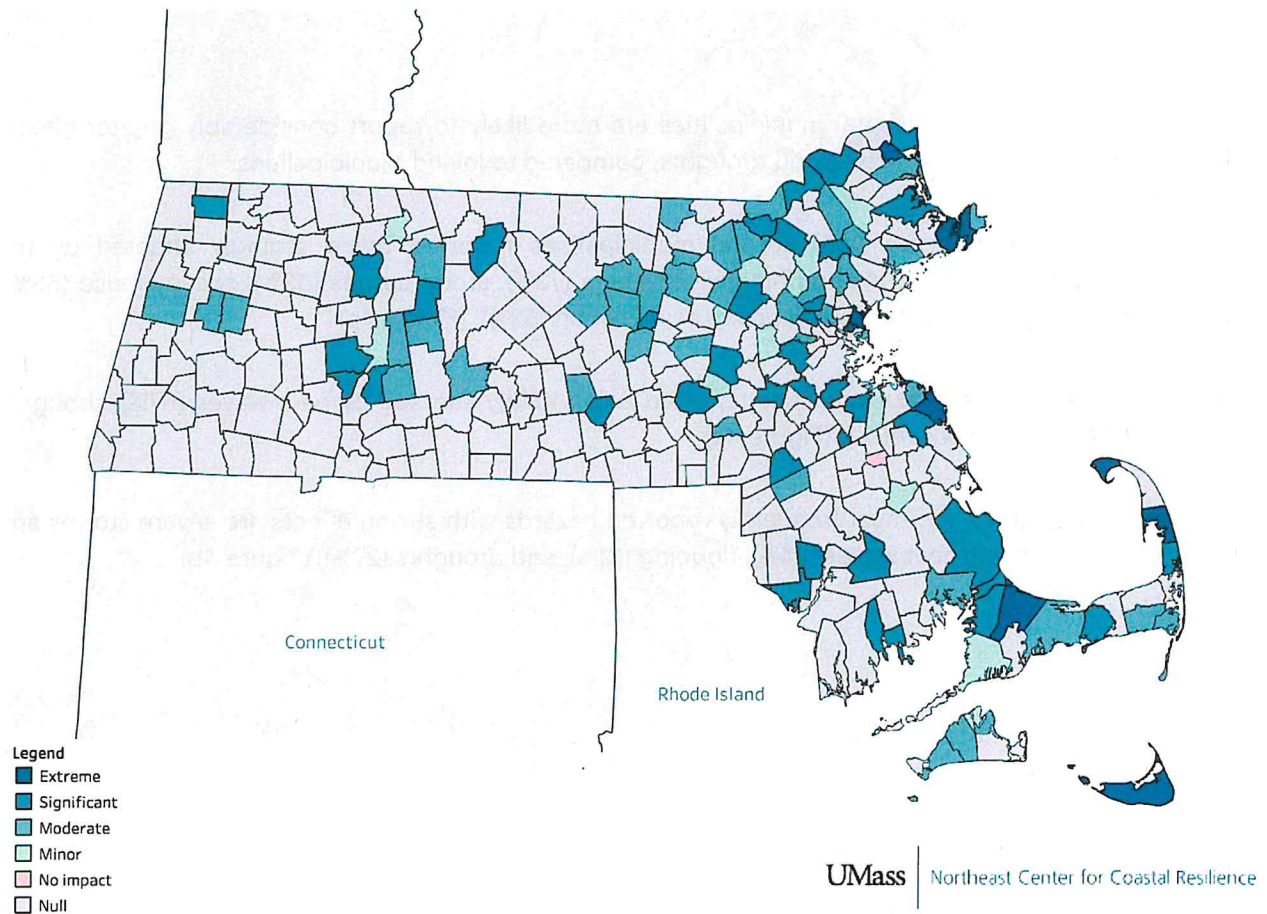
(n - Coastal = 59)
(n - Inland = 77)



- The majority of respondents from coastal municipalities (39%) described observed climate change impacts as *significant*.
- The majority of respondents from inland municipalities (47%) characterized observed climate impacts as *moderate*.

Figure 3b. How would you describe the current observed impacts of climate change on your municipality?

(n = 108)



"We expect that climate change will cause more and more of our municipal resources be redirected to plan, mitigate, respond and recover from the impacts of extreme events."

- Inland town

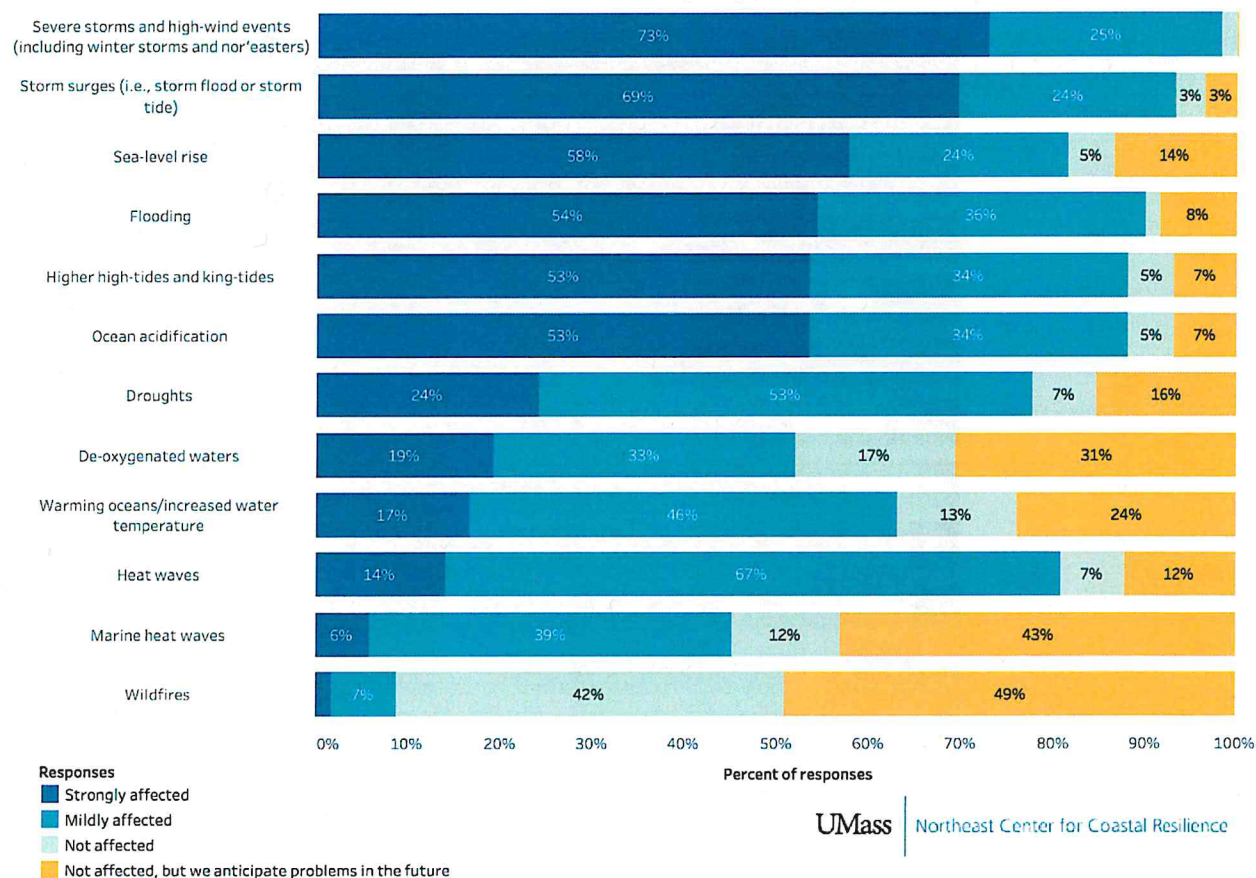
1.2 TYPE OF HAZARDS EXPERIENCED

As expected, there are considerable differences between coastal municipalities and inland municipalities in both the types of hazards experienced and in the severity of their effects (Figures 4a and 4b):

- Overall, respondents from coastal municipalities are more likely to report considerably greater effects from all hazards, except heat waves and droughts, compared to inland municipalities.
- The majority of respondents from coastal municipalities reported being strongly affected by the following hazards: severe storms and high-wind events (73%), storm surges (69%), sea-level rise (58%), flooding (54%), higher tides (53%), and ocean acidification (53%). (Figure 4a)
- Respondents from coastal municipalities reported being mildly affected by heat waves (67%), droughts (53%), and warming oceans (46%). (Figure 4a)
- In inland municipalities, the most frequently reported hazards with strong effects are severe storms and high-wind events (43%), heat waves (34%), flooding (31%), and droughts (27%). (Figure 4b)

Figure 4a. Coastal municipalities - Hazards experienced.

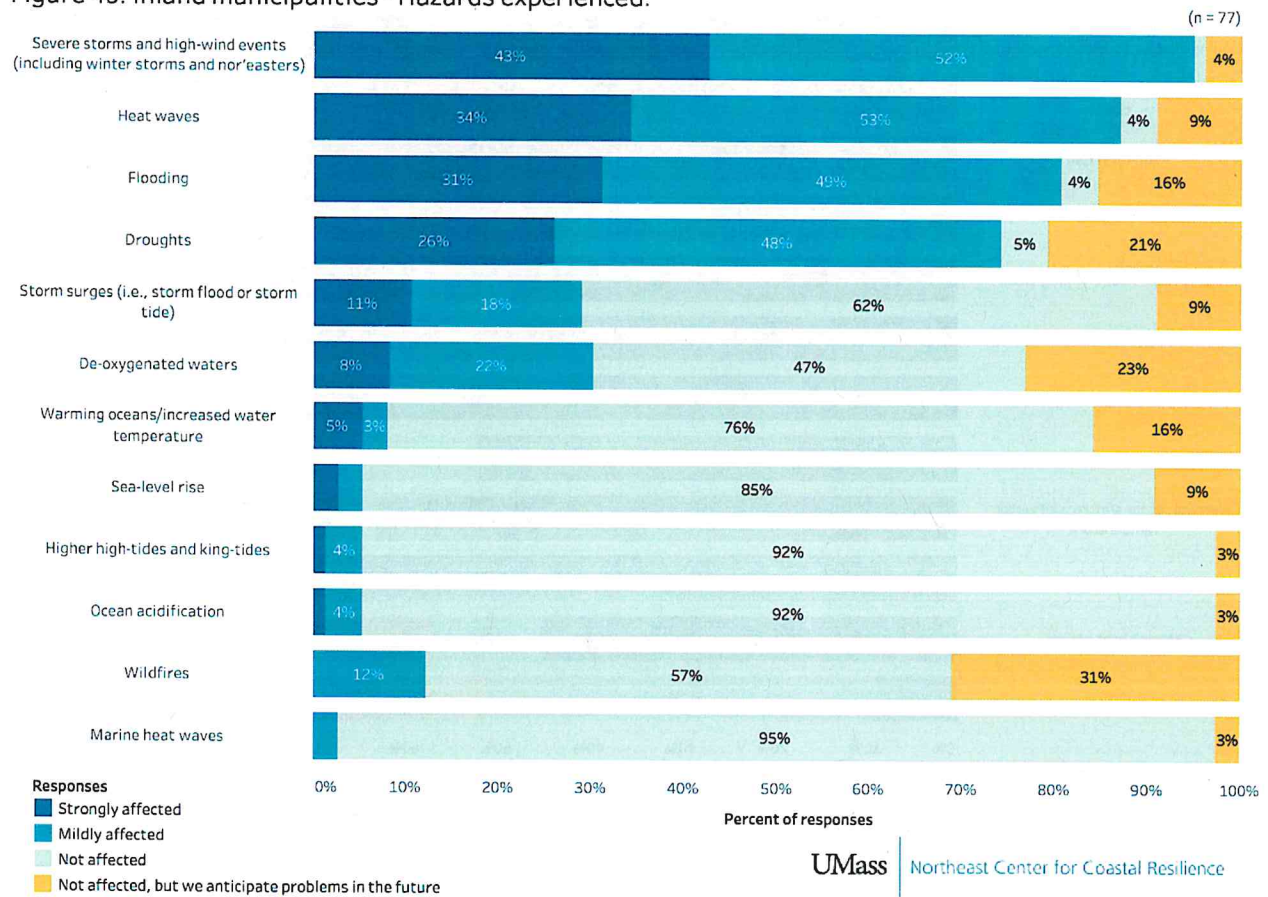
(n = 59)



"[Our city] remains highly dependent on the health of the ocean in ways both large and small. The reality of sea level rise becomes more ominous all the time.... There is a need for truly comprehensive planning for this community that has a rare combination of both blessings and challenges."

- Coastal city

Figure 4b. Inland municipalities - Hazards experienced.



"[We have experienced] high-intensity, short-duration storms which result in neighborhood flooding and significant tree damage (which can cause power outages & road blocks)..."

- Inland city

1.3 PREDICTED HAZARDS

When municipalities are not already experiencing a specific climate-related hazard, they often anticipate being affected in the future (Figure 5):

- 49% respondents in coastal municipalities and 31% in inland municipalities predict that wildfires will become a hazard for their communities in the future.
- Unsurprisingly, respondents in coastal municipalities are much more likely to anticipate that marine heat waves will represent a concern in the future (43%). However, a small percentage of respondents from inland municipalities anticipate that marine heat waves and storm surges will become a problem for their communities too (3% and 9.2% of respondents respectively), likely due to indirect effects.
- 31% of respondents from coastal municipalities and 23% from inland municipalities expect that de-oxygenated waters will affect their community in the future. Increased water temperatures are expected to become a concern for 24% of respondents in coastal municipalities and 16% in inland municipalities.
- Respondents from inland municipalities are more likely to anticipate that droughts (21%) and flooding (16%) will represent a concern in their communities in the future, compared to respondents from coastal municipalities (15% and 9% respectively). Coastal municipalities are not anticipating floods becoming a problem in the future because more than 50% of coastal municipalities are already strongly affected by flooding.

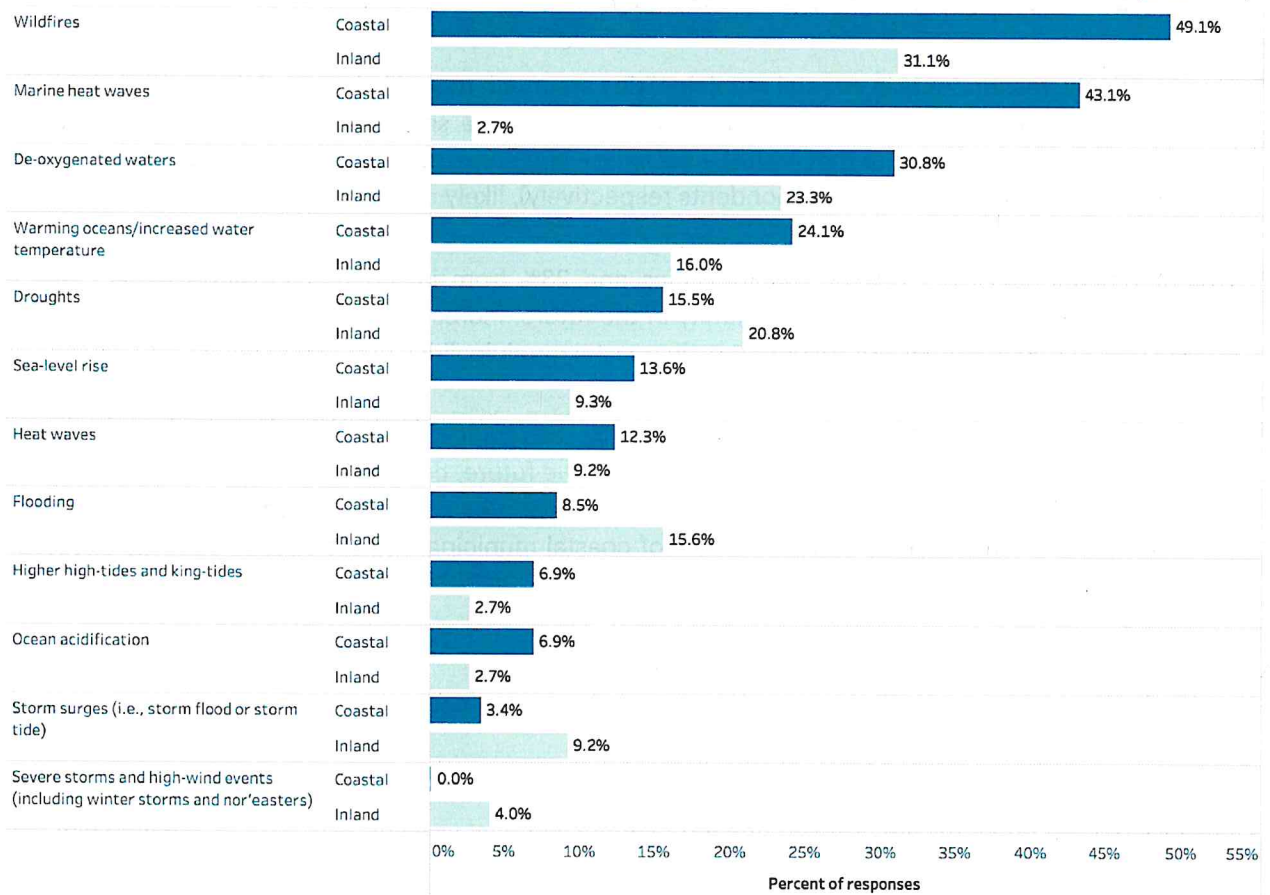
"Our City's biggest concerns are flooding (in-land riverine) and heat waves."

- Inland city

"[Our city] is a coastal community significantly impacted by climate change and sea level rise. We experience flooding from the ocean, flooding of the back shore and inundation along the (local) river. We also have many creek brooks and low lying areas that flood with heavy precipitation events."

- Coastal city

Figure 5. Predicted hazards in coastal and inland municipalities.

(n - Coastal = 59)
(n - Inland = 77)

Percentages for coastal and inland municipalities are analyzed separately.

2. IMPACTS

This section describes the climate impacts perceived and reported by survey respondents, including environmental, infrastructural, and economic impacts.

2.1 ENVIRONMENTAL IMPACTS

- In our sample, the most frequently reported strong environmental impacts of climate change include wastewater management concerns (34%), the introduction of invasive species (34%), tree loss from high winds, droughts, or storms (28%), and harmful algal blooms (28%).
- Overall, respondents most frequently reported mild effects include tree loss (54%), air-quality concerns (51%), and increased risks of vector-borne diseases (49%).

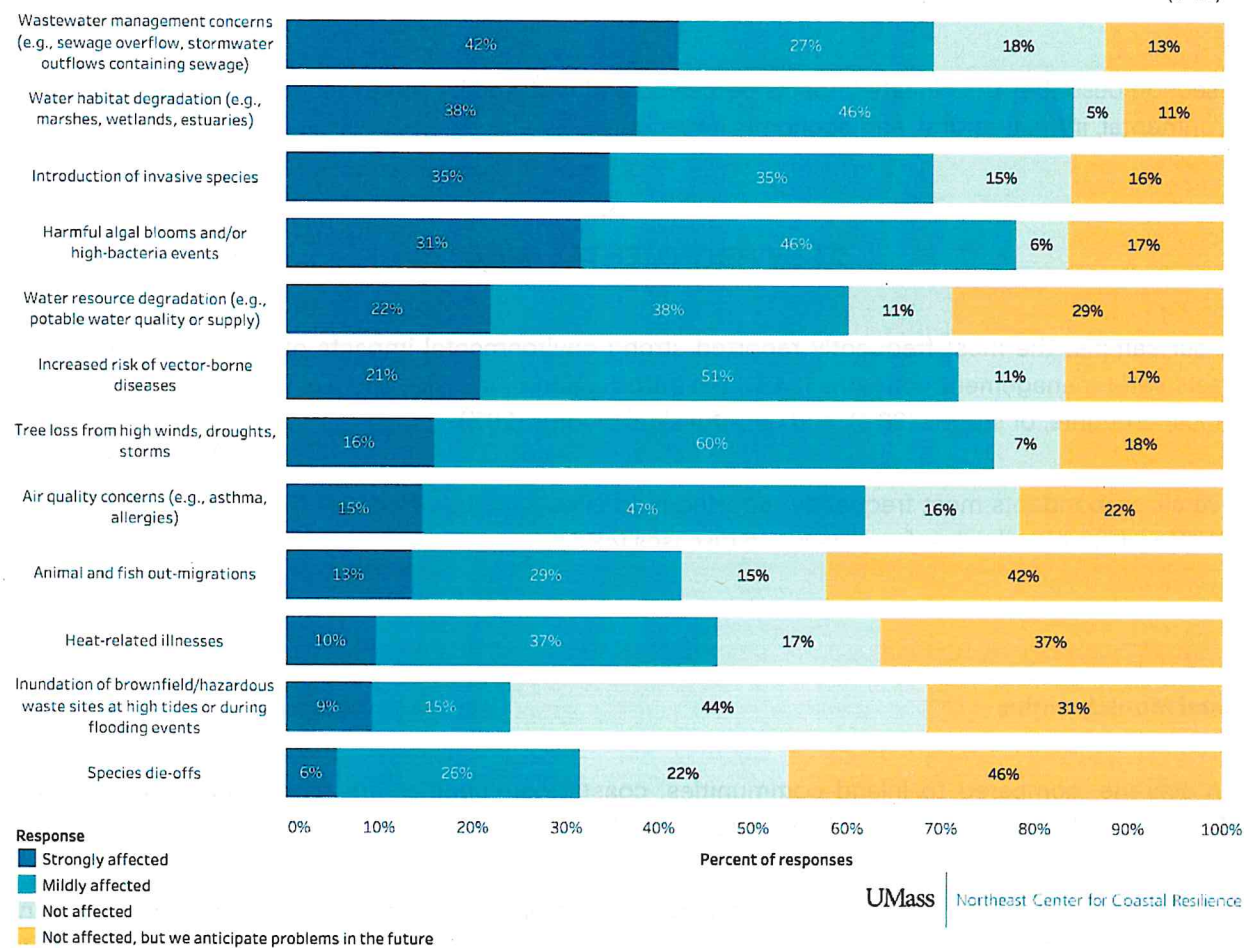
Coastal Municipalities

- On average, compared to inland communities, coastal communities are more likely to report strong effects related to all environmental impacts. (Figure 6a)
- In coastal municipalities, the most frequently reported strong environmental impacts of climate change include wastewater management concerns (42%), water habitat degradation (38%), the introduction of invasive species (35%), and harmful algal blooms (31%). (Figure 6a)
- In addition, mild impacts on coastal municipalities are frequently reported in relation to tree loss (60%), vector-borne diseases (51%), and air-quality concerns (47%). (Figure 6a)

"[In our municipality] marshes and beaches are being seriously eroded [...]" -Coastal town

Figure 6a. Coastal municipalities - Please indicate how strongly your municipality is affected by the following health and environmental impacts:

(n = 57)

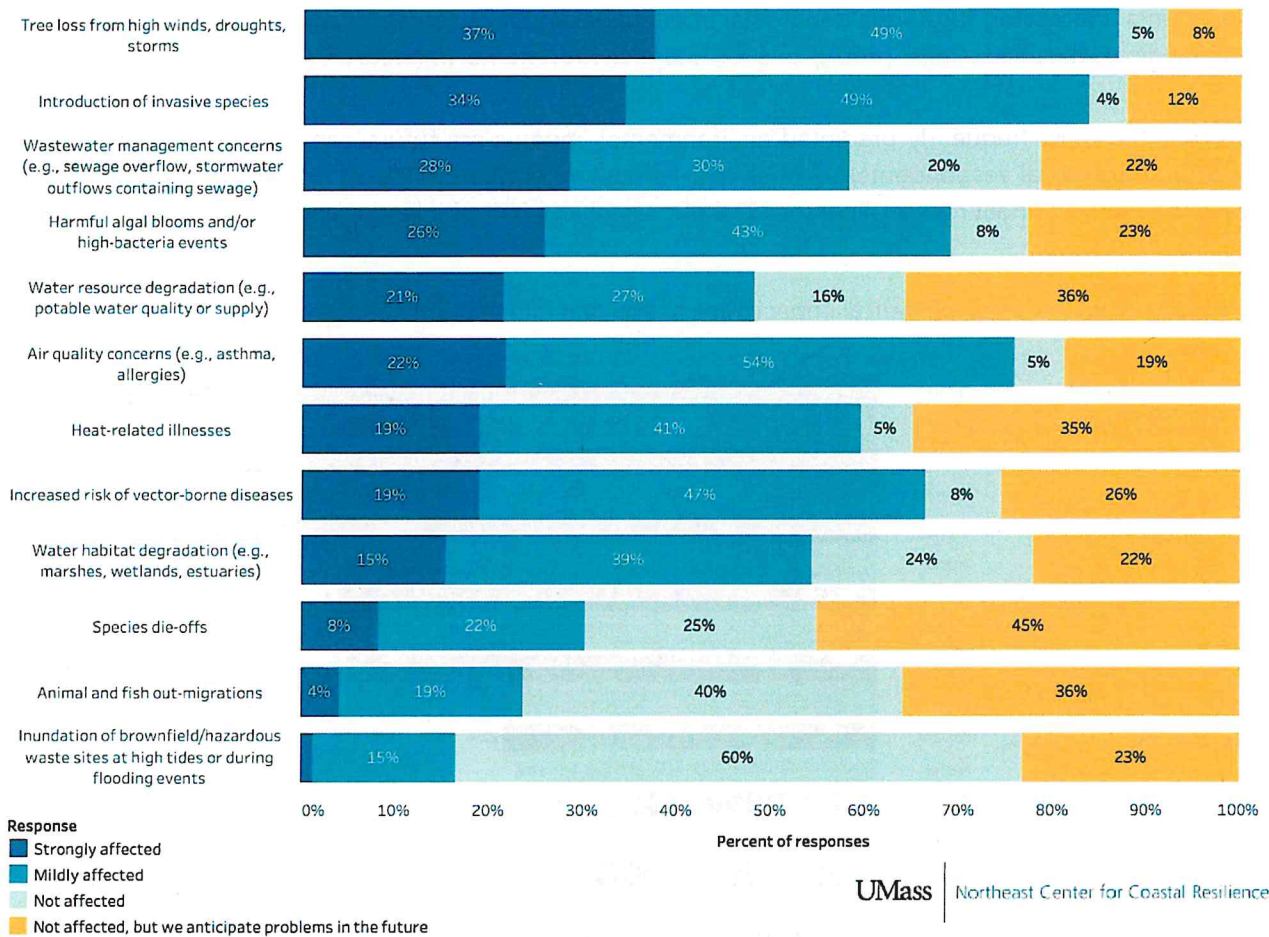


Inland Municipalities

- In inland municipalities, the most frequently reported strong environmental impacts of climate change include tree loss from high wind events (37%), the introduction of invasive species (34%), wastewater management concerns (28%), and harmful algal blooms (26%). (Figure 6b)
- In addition, mild impacts on inland municipalities are frequently reported in relation to air-quality concerns (54%), introduction of invasive species (49%), tree loss (49%), and increased risk of vector-borne diseases (47%). (Figure 6b)
- Tree loss, heat related illnesses, and air quality concerns are more likely to be reported as strong impacts in inland communities compared to coastal. (Figures 6a and 6b)

Figure 6b. Inland municipalities - Please indicate how strongly your municipality is affected by the following health and environmental impacts:

(n = 75)



"Concerns include road erosion, bridges on dirt roads, flooding due storms, heat stress, need for cooling centers, drought, wells drying up."

- Inland town

"We have experienced increased vectors (e.g., mosquitos, ticks) which are better adapted to warmer climates resulting in higher disease transmission (e.g., Triple-E, lyme disease)."

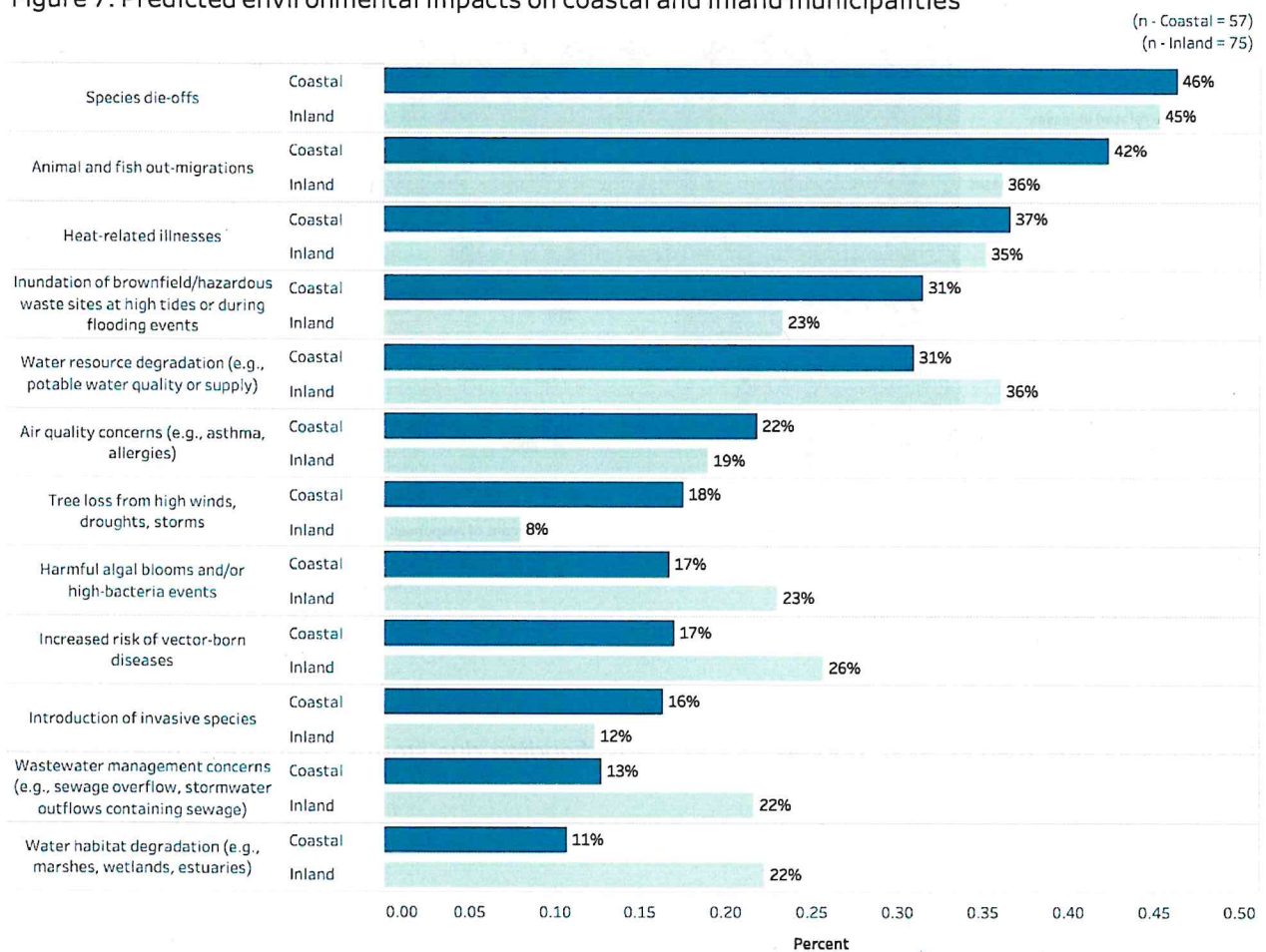
- Inland city

Predicted Environmental Impacts

Respondents anticipated future environmental impacts based on observation and experience. Coastal and inland municipalities had similar predictions for future environmental impacts (Figure 7):

- Overall, the most frequently predicted environmental impacts are future species die-offs (45% of both inland and coastal respondents), animal and fish-out migrations (42% of coastal and 36% of inland respondents), and heat related illnesses (37% of coastal and 35% of inland municipalities). (Figure 7)

Figure 7. Predicted environmental impacts on coastal and inland municipalities



Percentages for coastal and inland municipalities are analyzed separately.

- Inland municipalities were more likely than coastal municipalities to anticipate concerns related to water habitat degradation (Figure 8), introduction of invasive species (Figure 9), harmful algal blooms and

harmful bacteria events (figure 10), wastewater management concerns (Figure 12), and increased risk of vector-borne diseases (figure 14). This is largely due to coastal municipalities reporting that they are already experiencing impacts. (Figure 6a)

- Coastal municipalities were more likely than inland municipalities to predict all remaining categories of impacts; in the maps we often observe an increasing gradient of intensity of impacts from the inland to coastal areas. (Figures 8 to 15)

Figure 8. Health and environmental impacts: water habitat degradation (e.g., marshes, wetlands, estuaries)

(n = 104)

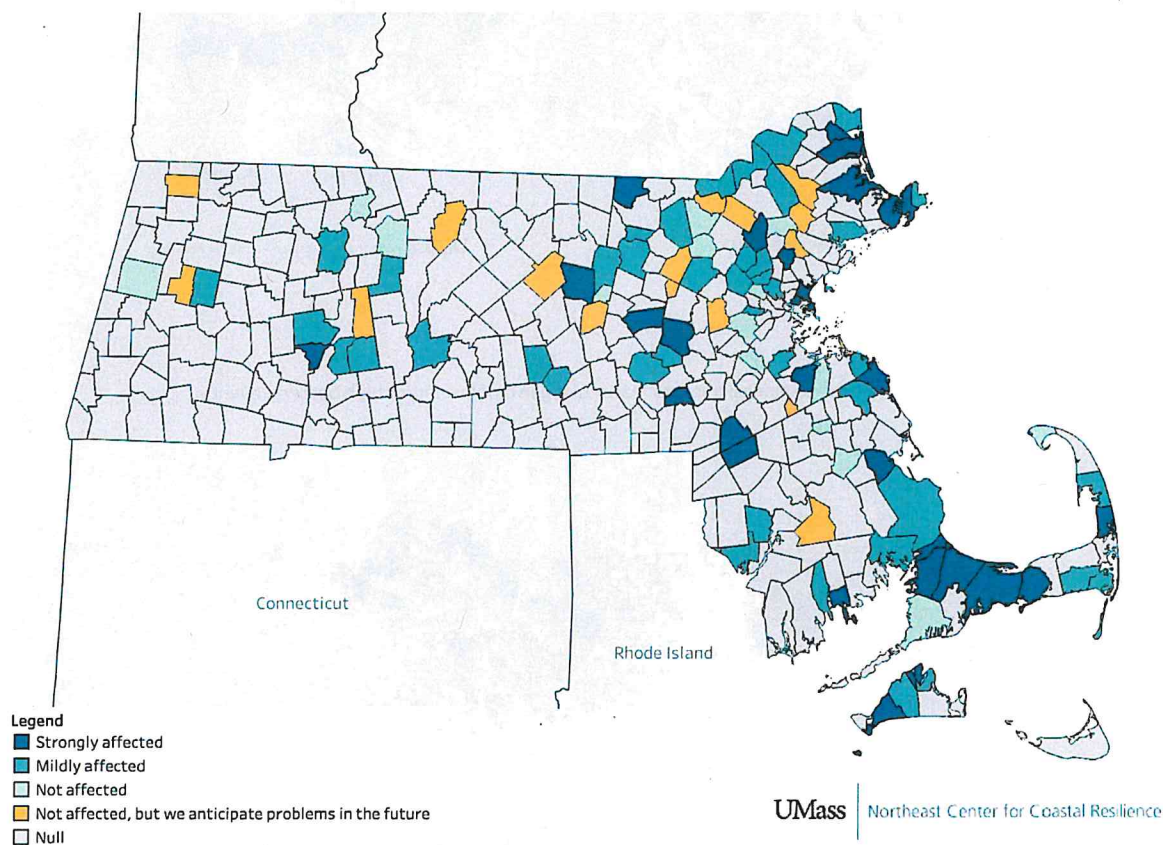


Figure 9. Health and environmental impacts: introduction of invasive species

(n = 104)

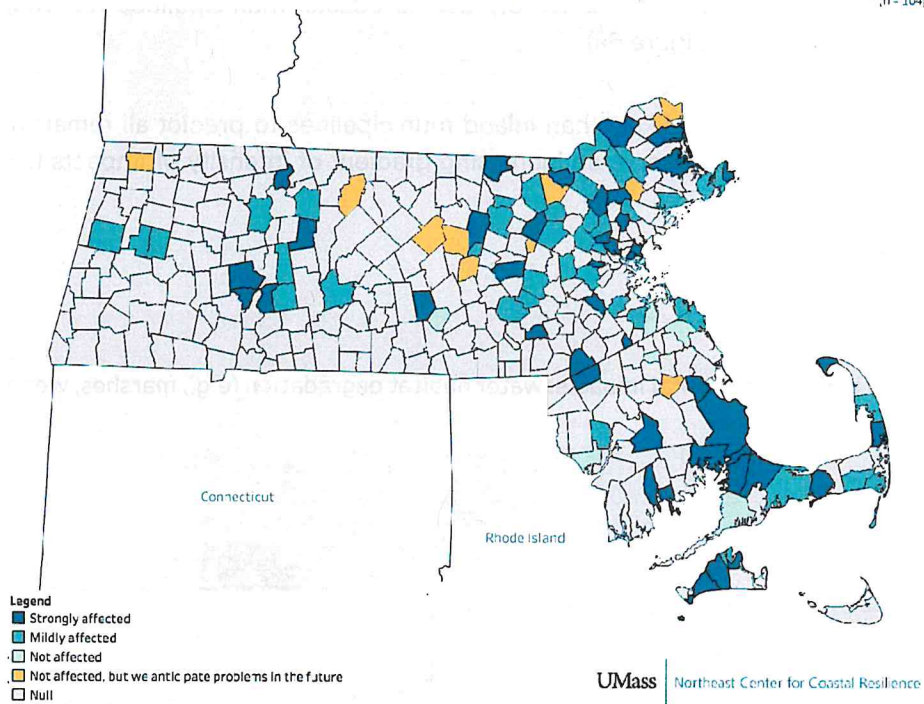


Figure 10. Health and environmental impacts: harmful algae blooms and/or high bacteria events

(n = 104)

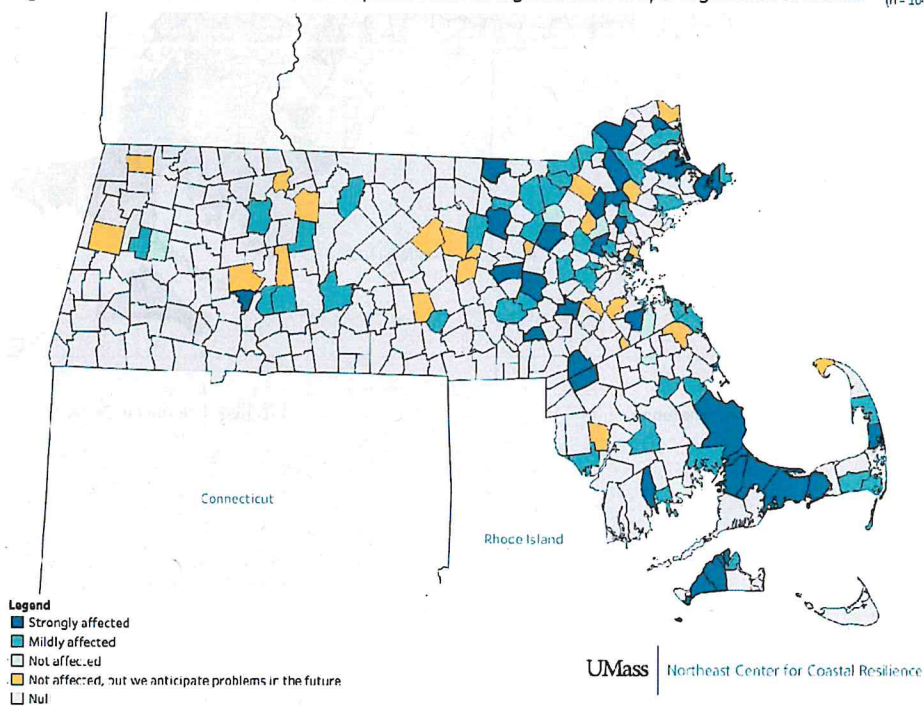


Figure 11. Health and environmental impacts: tree loss from high winds, droughts, storms

(n = 106)

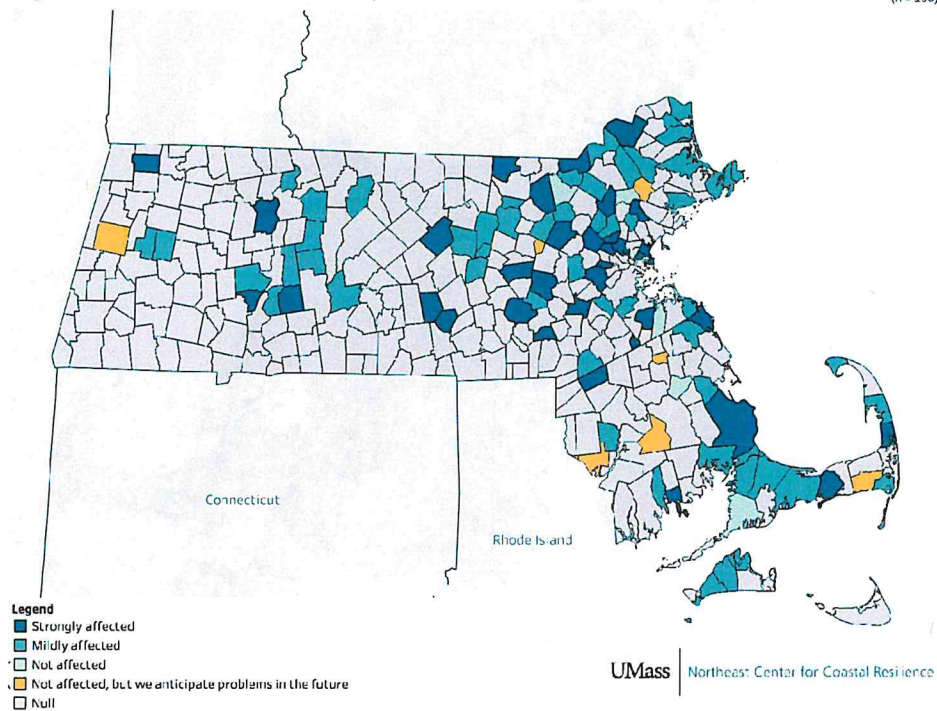


Figure 12. Health and environmental impacts: strength of climate impacts on wastewater management (e.g. sewage overflow, stormwater outflows containing sewage)

(n = 104)

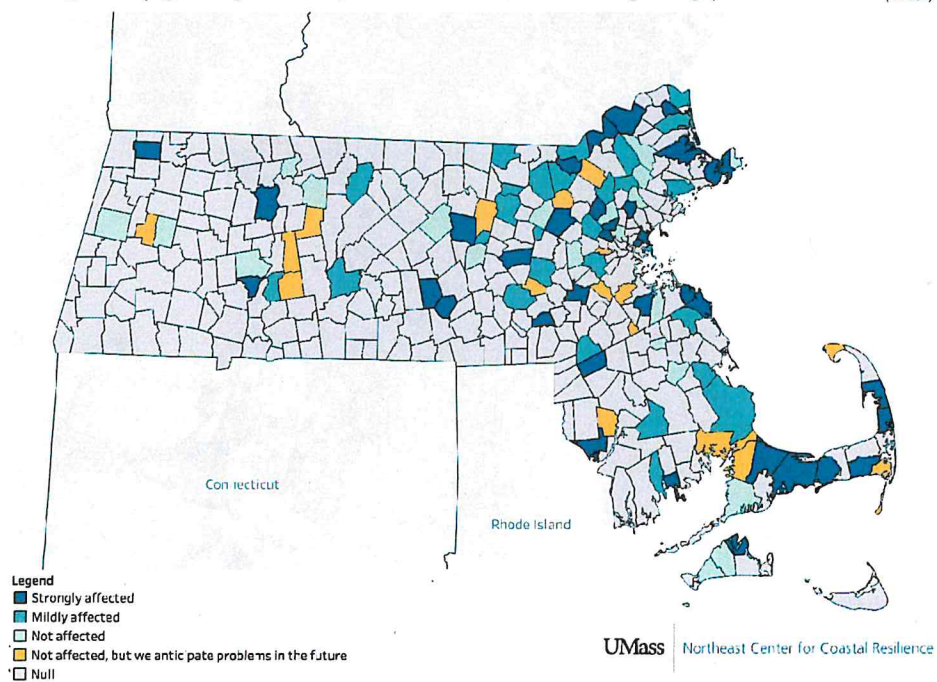


Figure 13. Health and environmental impacts: air quality concerns (e.g. asthma, allergies)

(n = 105)

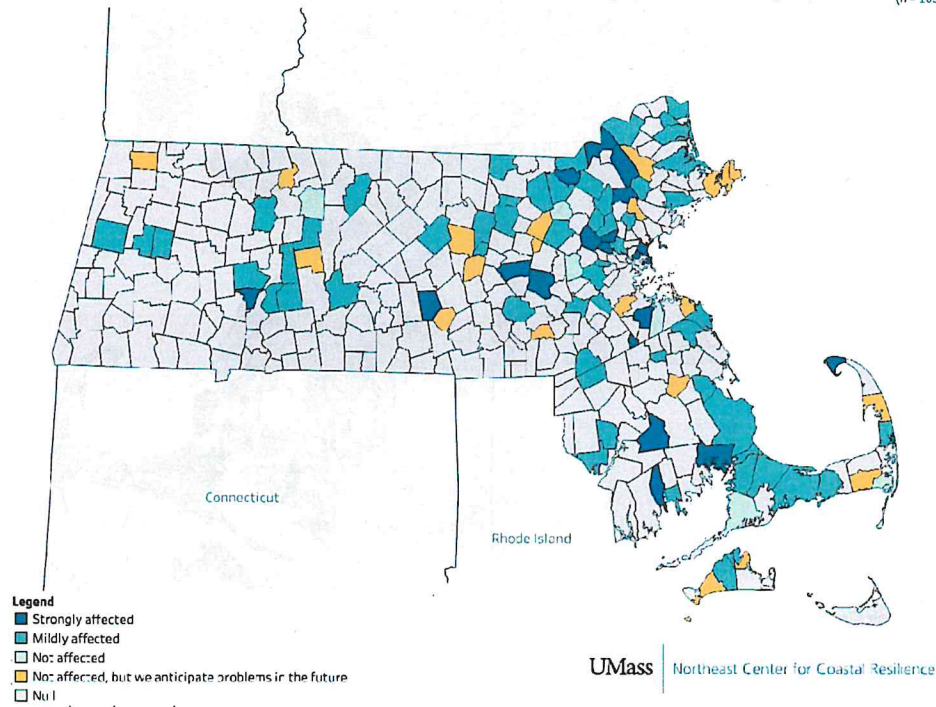


Figure 14. Health and environmental impacts: increased risk of vector-borne diseases

(n = 105)

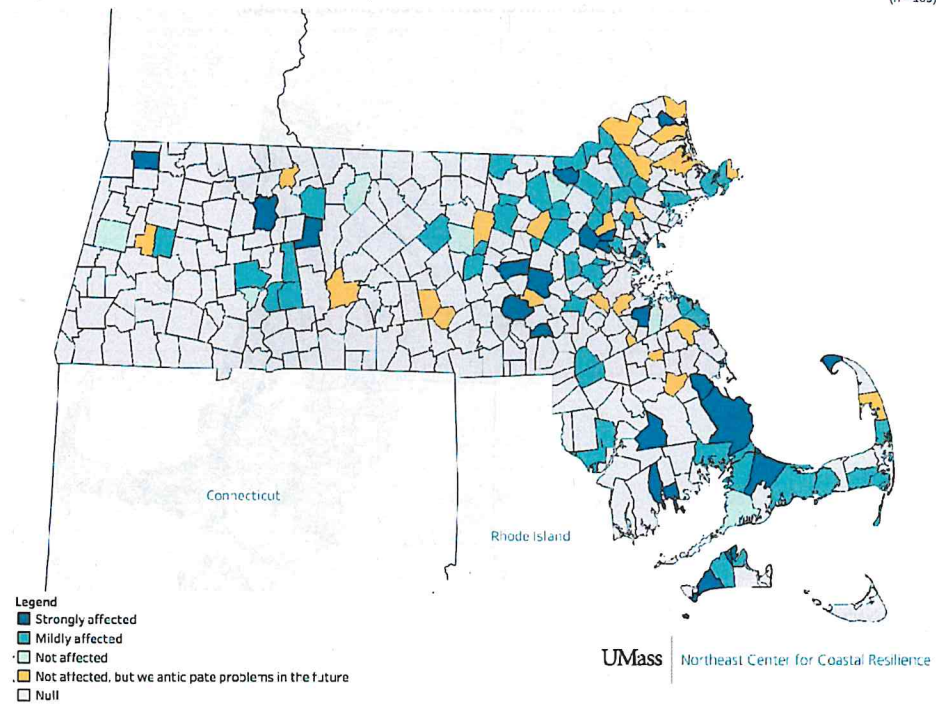
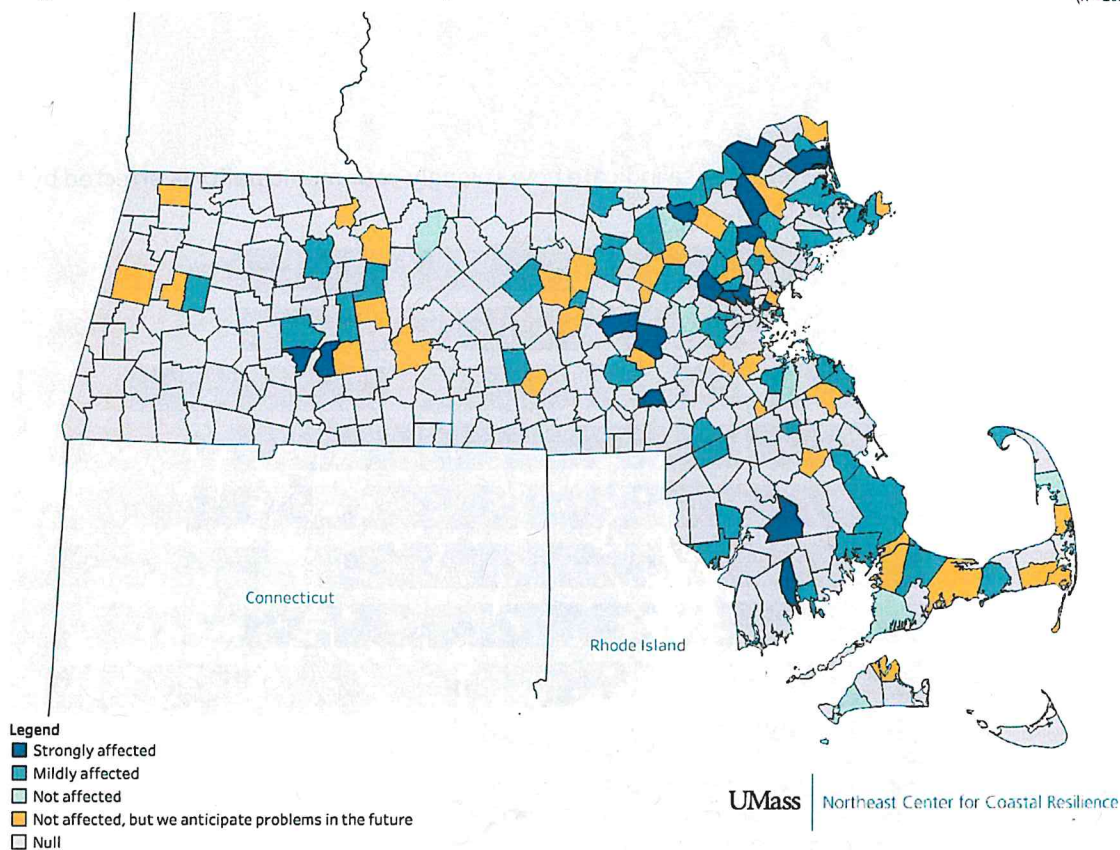


Figure 15. Health and environmental impacts: heat-related illnesses

(n = 103)



2.2 INFRASTRUCTURAL IMPACTS

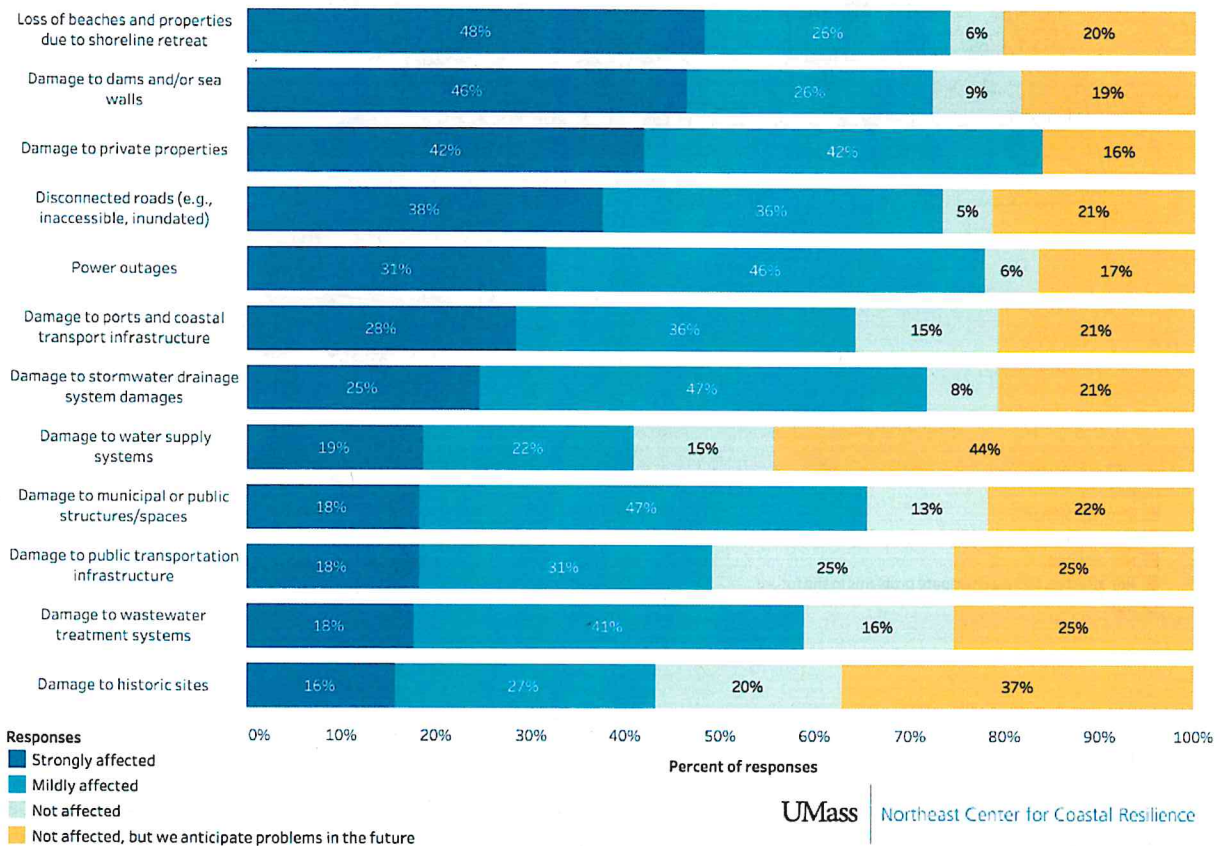
- Overall, our municipal sample most frequently reported strong infrastructural impacts of climate change in the following categories: power outages (27%), damage to dams or sea walls (24%), damage to private properties and stormwater drainage systems (each 24%), and disconnected roads (24%). We observe differences between the types of impacts experienced by coastal and inland municipalities.

Coastal Municipalities

- In all categories of infrastructural impacts, coastal municipalities were consistently more likely to report strong effects than inland municipalities. (Figure 16a)
- In coastal municipalities the infrastructural impacts most frequently reported as strong include beach-loss and shoreline property impacts (48%), damage to dams and/or sea-walls (46%), damage to private properties (42%), and disconnected roads (e.g., inaccessible, inundated) (38%). (Figure 16a)

Figure 16a. Coastal municipalities - Please indicate how strongly your municipality is affected by the following infrastructural impacts:

(n = 56)



"Most of the impacts for the Department of Public Works are storm-water related."

- Coastal town

"The public dock in our port has suffered from flooding during extraordinary high tides. We are currently seeking grants/funding to construct new floating bulkheads/docks."

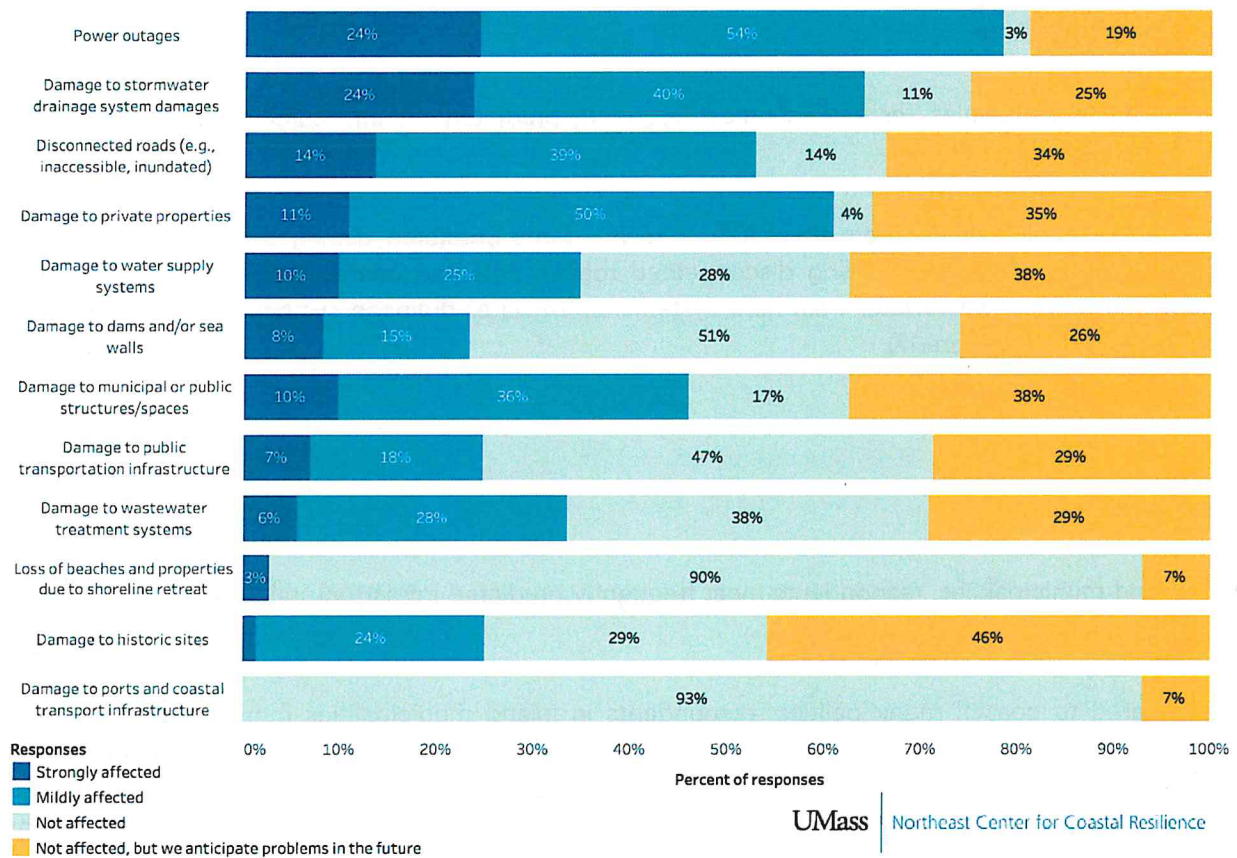
- Coastal town

Inland Municipalities

- In inland municipalities the infrastructural impacts most frequently reported as strong include power outages (24%), damages to stormwater drainage systems (24%), and disconnected roads (14%). (Figure 16b)

Figure 16b. Inland municipalities - Please indicate how strongly your municipality is affected by the following infrastructural impacts:

(n = 74)



"[Our city has experienced] downed power/communication as a result of storms - loss of power, loss of wifi, loss of traffic signals."

- Inland city

"Our [small municipality] is mostly in a flood plain and [is] impacted by regional climate issues. These include river flooding and stormwater runoff; closure of 2 beaches; increases in mosquitos, ticks, and rats; as well as regional climate-impacted services such as energy supply, transportation and solid waste management."

- Inland town

Predicted Infrastructural Impacts

Respondents anticipated future infrastructural impacts based on observation and experience. Infrastructural damages expected by coastal and inland municipalities present some differences (Figure 17):

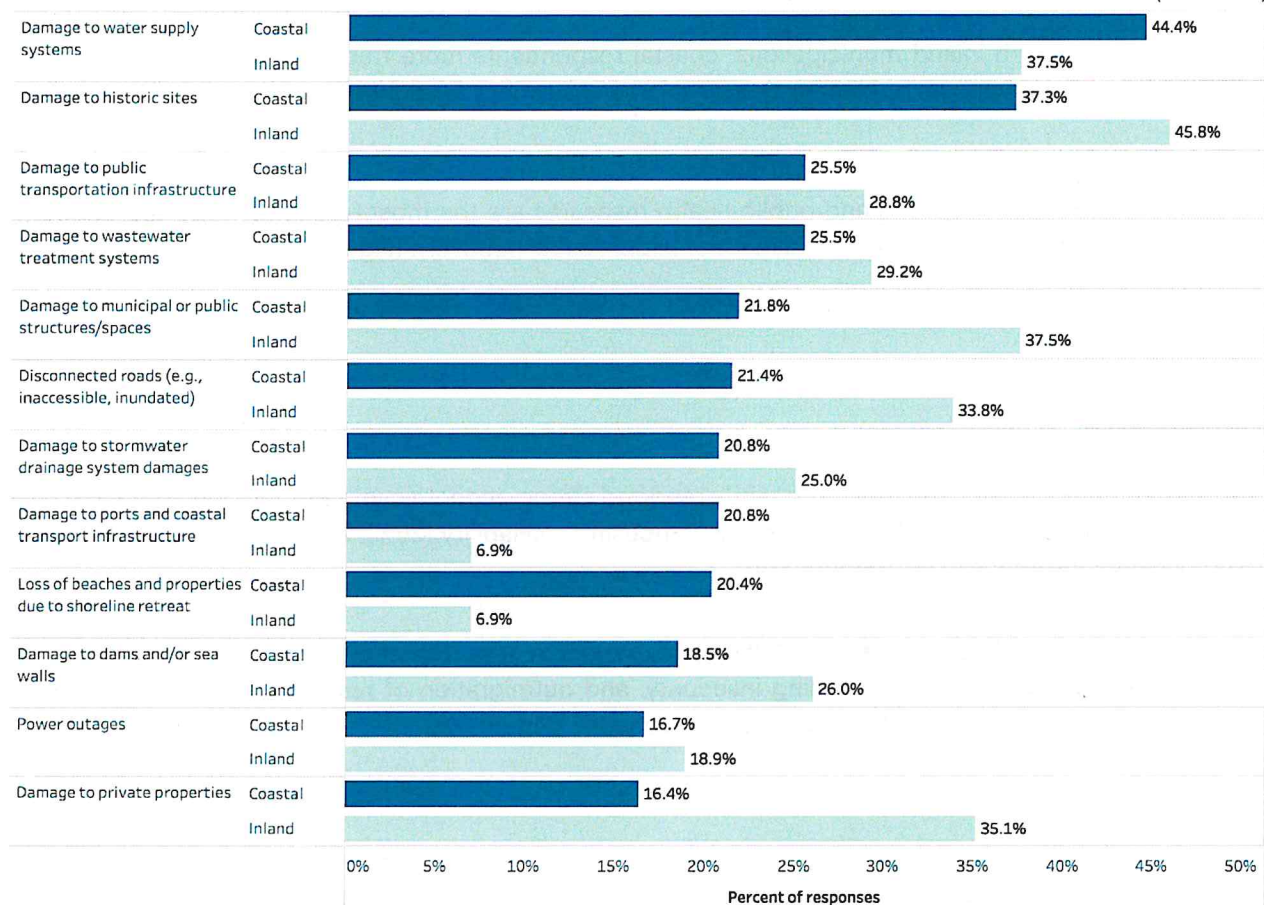
Coastal municipalities

- In coastal municipalities, respondents most frequently predicted infrastructural impacts on water supply systems (44%). (Figure 17)
- In coastal municipalities, more than 20% of respondents predicted damages to historic sites, public transportation systems (including disconnected roads), port and coastal infrastructure, municipal or public structures, wastewater treatment systems, stormwater drainage systems, and loss of beach or shoreline retreat. (Figure 17)

Inland municipalities

- In inland municipalities, respondents most frequently predicted infrastructural impacts on historic sites (46%). (Figure 17)
- Compared to coastal municipalities, respondents in inland municipalities more frequently predicted damages to municipal or public spaces (38%), damage to private properties (35%), disconnected roads (34%), damage to wastewater treatment systems (29%), and damage to public transportation systems (29%). This was largely due to coastal municipalities reporting that they are already experiencing some of the impacts that inland municipalities predicted. (Figure 17)
- Up to 7% of inland municipalities reported being presently affected or predicted effects from damages to beaches and shoreline retreat, and/or impacts on ports and other coastal infrastructure. This may indicate that economic activities in these inland municipalities are indirectly affected when coastal infrastructure is damaged. (Figure 17)

Figure 17. Predicted infrastructural impacts to coastal and inland municipalities.

(n - Coastal = 56)
(n - Inland = 74)

Percentages for coastal and inland municipalities are analyzed separately.

UMass | Northeast Center for Coastal Resilience

"The MBTA commuter rail goes along the marshes in [neighboring towns] and parts of our city, but the other towns will flood quite easily at the locations... so we will be shut down if they don't raise the tracks."

- Coastal city

"As we are currently creating a climate resiliency fund, paying for degrading infrastructure is a major concern of ours. Jetty's, revetments, roads, stormwater, marinas, and bridges will be impacted in the immediate future and the price tag will be greater than our annual budget. With not much meat left on the bones of an annual budget, municipalities will depend on grants and borrowing to survive. Any help given to municipalities should be on how to pay for these climate affected infrastructure improvements."

- Coastal town

2.3 ECONOMIC IMPACTS

Overall, compared with inland municipalities, coastal respondents more frequently reported present and anticipated economic impacts of climate change in all areas except for public health costs (Figures 18a and 18b).

- The costs of disaster response and public health measures are the most frequently reported economic impacts experienced by coastal and inland municipalities respectively. (Figures 18a and b)

Coastal municipalities

- In coastal municipalities, the most frequently reported strong economic impacts include additional costs related to disaster response (41%), decreases in housing availability (26%), and difficulty obtaining home and business insurance (23%). (Figure 18a)
- In coastal municipalities, more than 10% of respondents reported that their community is already strongly affected by increased housing insecurity, and outmigration of residents. These areas are also among the most frequently anticipated areas of concern. (Figure 18a)

"Our shore [...] has been subject to some serious erosion. Some residences have had to retreat if the owners have sufficient land. [...] Our lobster fishery and other shell fisheries have already been affected by rising ocean and pond temperatures. We are in the planning stages (and beyond to implemented strategies) for anticipated future disaster community responses. Our committee has interviewed all community stakeholders and the harbormaster has the most pressing impacts to which he is responding with our help."

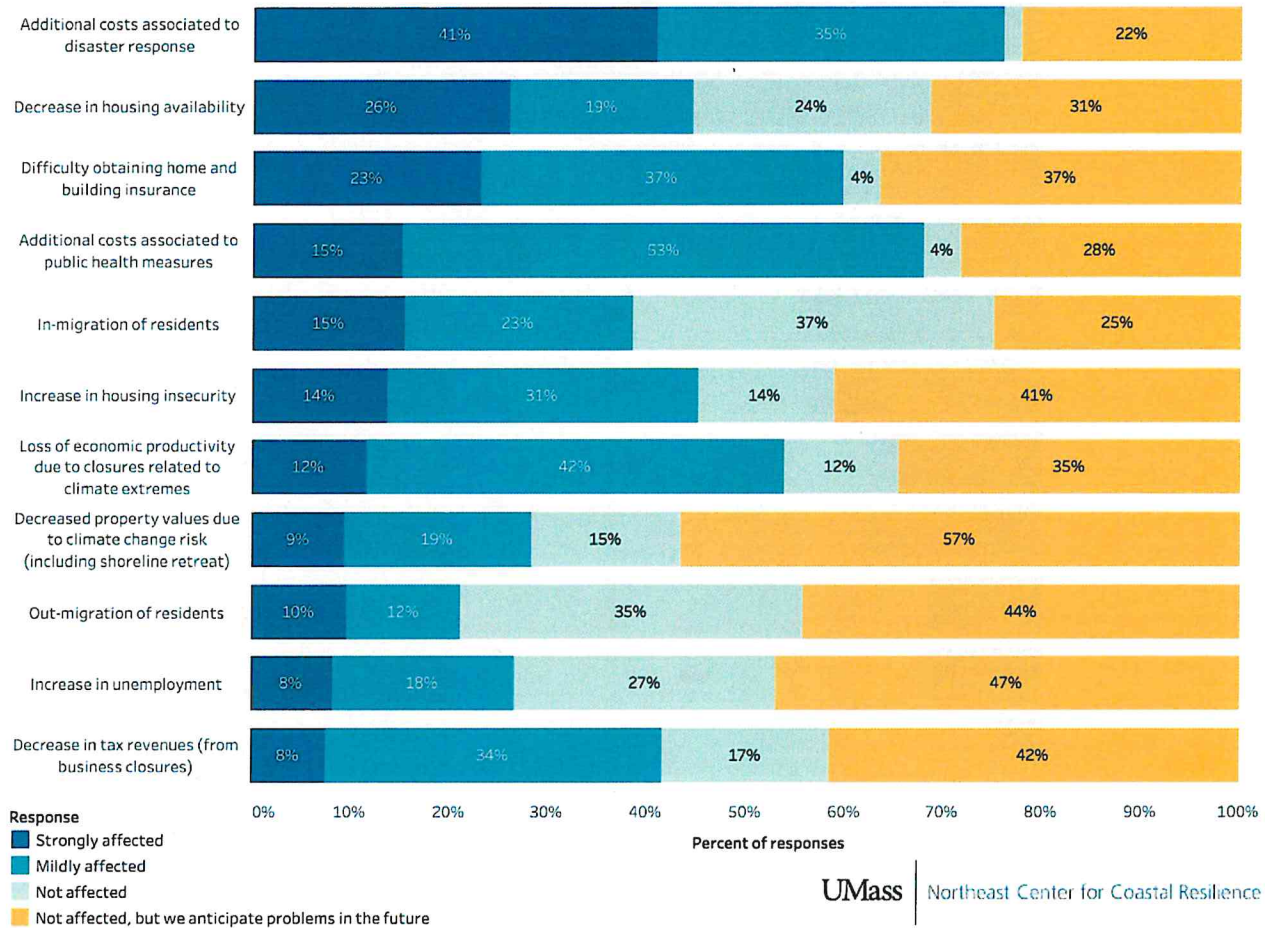
- Coastal town

"I'm not sure yet what the costs are related to climate change impacts yet, except the need to deal with several roads that are regularly underwater at high tide."

- Coastal town

Figure 18a. Coastal municipalities - Please indicate how strongly your municipality is affected by the following economic impacts:

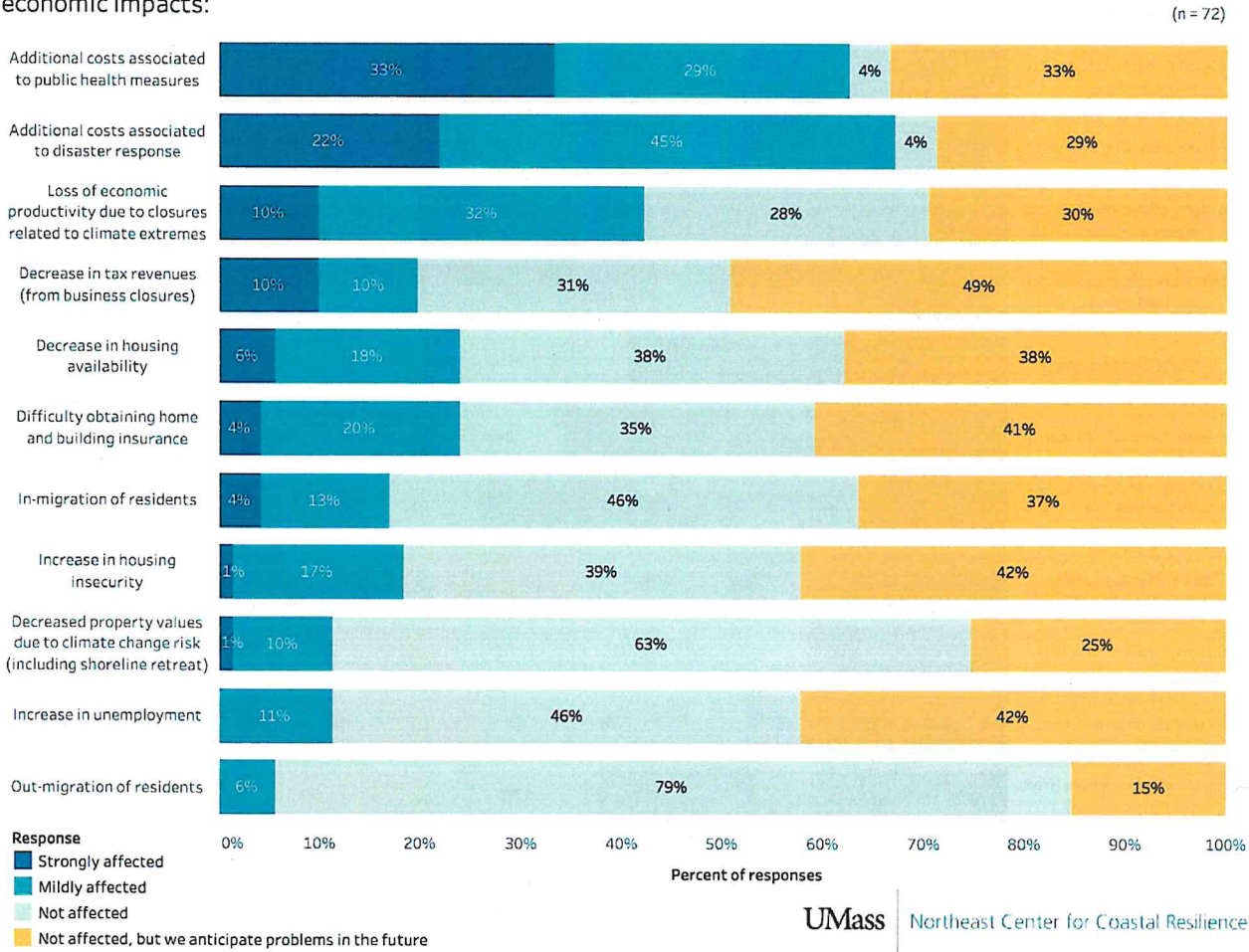
(n = 54)



Inland municipalities

- The economic impacts most frequently reported by inland municipalities are additional costs associated with public health measures (33%) and with disaster response (22%). (Figure 18b)
- Emerging areas of concern include loss of economic productivity due to closures (10%) and consequent decrease in tax revenues (10%). (Figure 18b)

Figure 18b. Inland municipalities - Please indicate how strongly your municipality is affected by the following economic impacts:



"We are seeing bigger impacts from extreme storms - requiring significant emergency response resources."
- Inland city

"[In our city] many apartments are in flooded areas and renters don't have insurance to recover from property damage from flooding"
- Inland city

Predicted Economic Impacts

Respondents anticipated future economic impacts based on observation and experience. Predictions of future economic impacts for coastal and inland municipalities present some differences (Figure 19):

Coastal municipalities

- In coastal municipalities, the most frequently predicted economic impacts are decreased property values (57%); increased unemployment (47%); outmigration of residents (44%); decreased tax revenues (42%); and increased housing insecurity (41%). (Figure 19)
- Coastal municipalities more frequently anticipated decreased property values and out-migration of residents compared to inland municipalities. They also reported more observed impacts than inland municipalities in this area. (Figure 19)

Inland municipalities

- In inland municipalities, the most frequently predicted economic impacts are decreased tax revenues (49%); increased unemployment (42%); increased housing insecurity (42%); and difficulty obtaining home and building insurance (41%). (Figure 19)
- It is worth noting that respondents in coastal municipalities are more likely to predict economic impacts from the out-migration of residents (44% in coastal and 15% in inland municipalities), while respondents in inland municipalities are more likely to anticipate economic impacts from the in-migration of residents (37% in inland and 25% in coastal municipalities). This might suggest the emergence of climate-related migratory flows. (Figure 19)

"In recent years we have seen a number of ocean-front homes being washed away by increased northeast storms. The shoreline continues to erode as a result of these intense storms."

- Coastal town

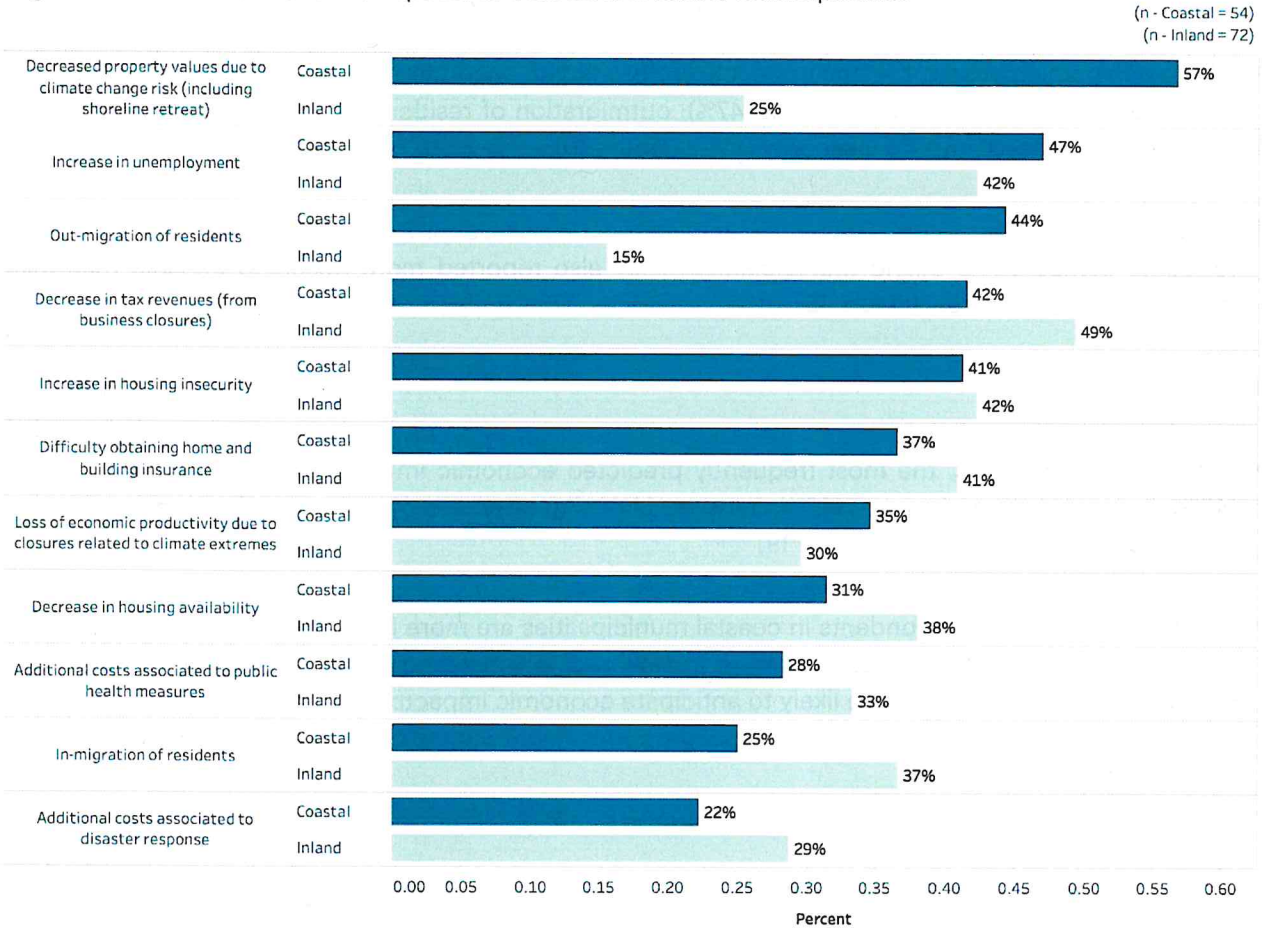
"[We are] trying to figure out what to armor, and when to retreat and how to pay for this. We know it is only a matter of time, as shorelines are washing away faster and faster. Right now property values are surging, because of our attractiveness, but one good storm, things will change."

- Coastal town

"If/when other parts of the country become unlivable then there will be bigger impacts in Mass."

- Inland town

Figure 19. Predicted economic impacts to coastal and inland municipalities



Percentages for coastal and inland municipalities are analyzed separately.

2.4 IMPACTS ON SPECIFIC INDUSTRIES

Municipalities have started observing impacts on specific industries:

- Overall, the most frequently reported strong impacts are associated with commercial fisheries (13%) and tourism (11%).
- Moderate to strong impacts were frequently reported in relation to construction (55%); administrative, support, waste management and remediation (52%); healthcare (47%); and hospitality and food services (45%).

Coastal municipalities

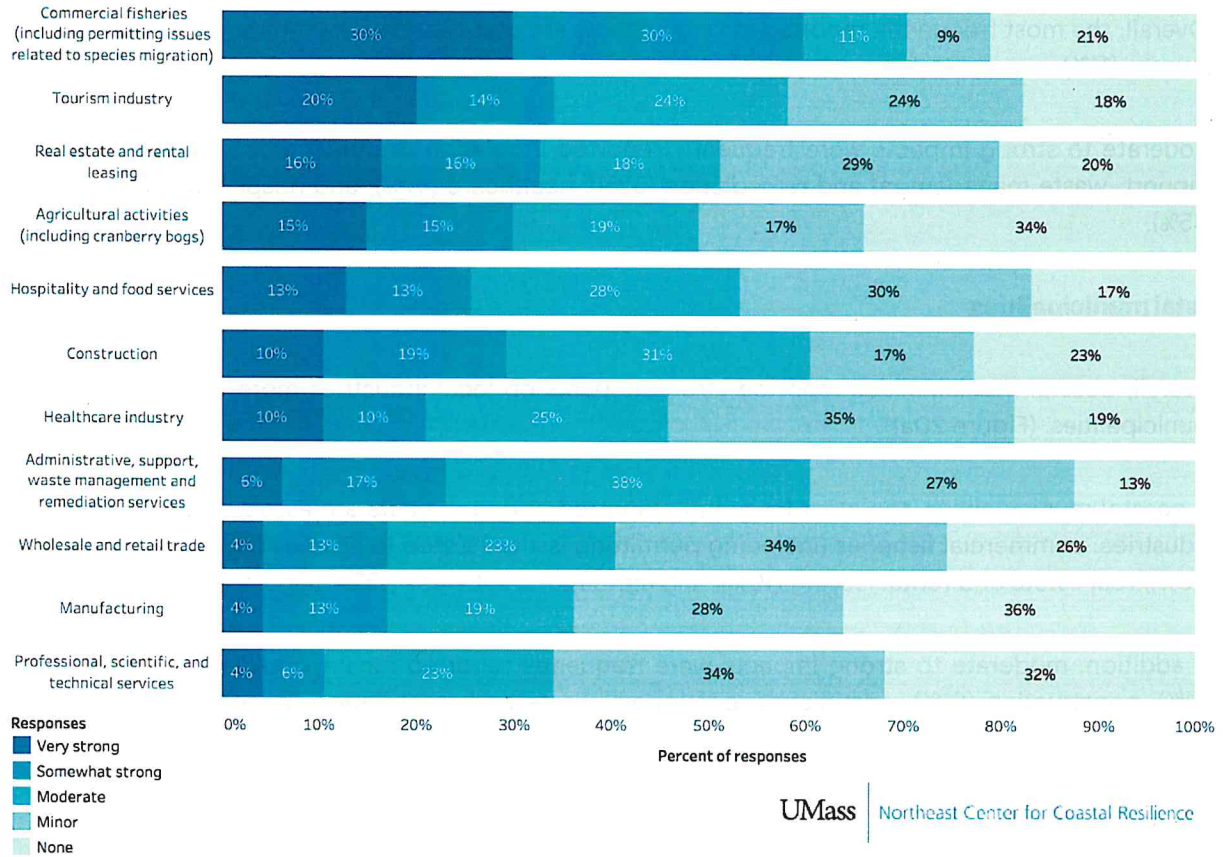
- Overall, coastal municipalities reported strong impacts on local industries more frequently than inland municipalities. (Figure 20a)
- In coastal municipalities, the most frequently reported strong impacts are associated with the following industries: commercial fisheries (including permitting issues related to species migration) (30%); tourism (20%); real estate and rental leasing (16%); and agricultural activities (15%). (Figure 20a)
- In addition, moderate to strong impacts were frequently reported for impacts to commercial fisheries (71%); construction (61%); administrative, support, waste and remediation services (60%); and tourism (58%). (Figure 20a)

Inland municipalities

- In inland municipalities the most frequently reported moderate to strong impacts are associated with construction industry (49%); healthcare industry (47%); and administrative, support, waste and remediation services (48%); and tourism (32%). (Figure 20b)
- In inland municipalities, 9% of respondents reported that their communities are strongly to moderately affected by impacts on coastal industries such as commercial fisheries (1%). (Figure 20b)
- This suggests that the Massachusetts blue economy has important economic ramifications in inland municipalities. (Figure 20b)

Figure 20a. Coastal municipalities - To your knowledge, how strong are the negative impacts of climate change on the following industries in your municipality?

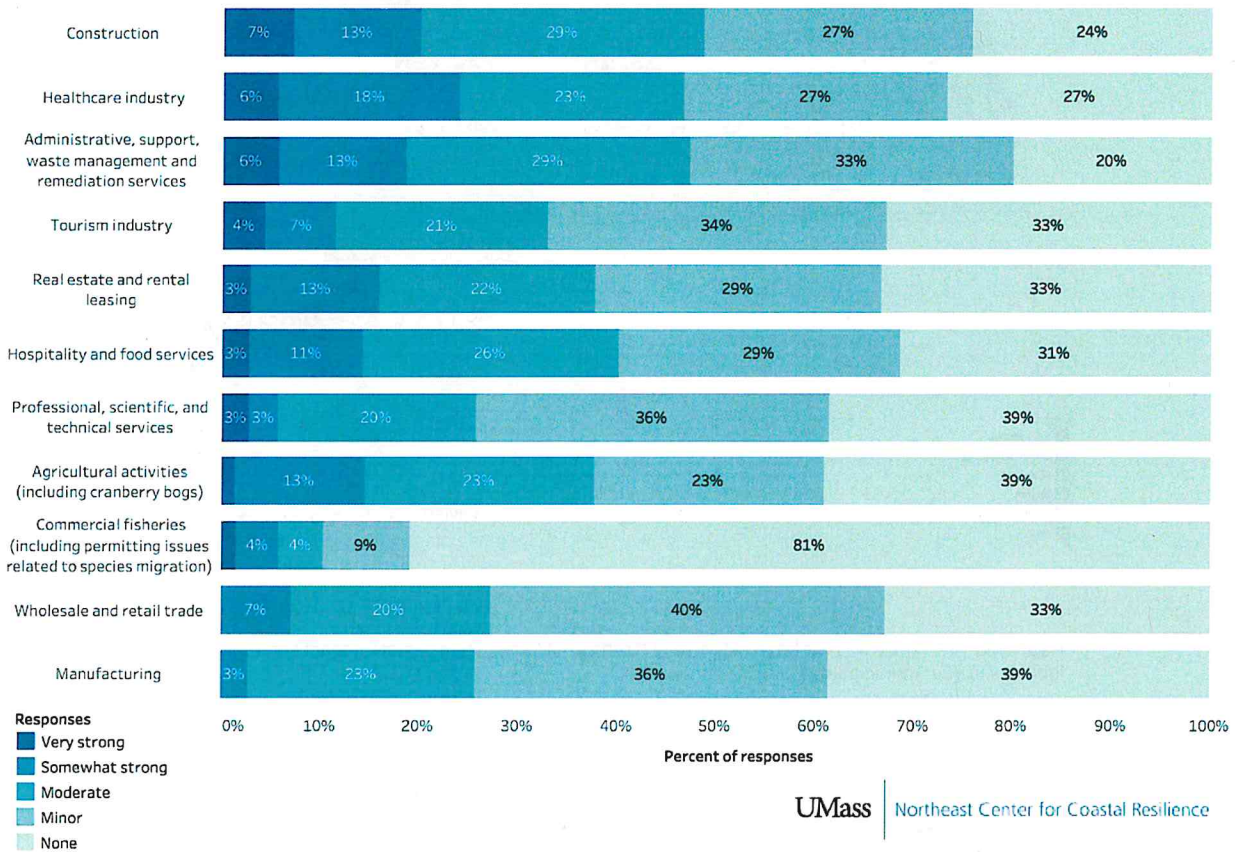
(n = 50)



"There have been several red tides and cases where extremely high coastal waters caused sewage to flow into the coastal waters, thus impacting both the shellfish industry, fishing industry and safe use of our coastal waters for swimming, kayaking, boating, etc."

- Coastal town

Figure 20b. Inland municipalities - To your knowledge, how strong are the negative impacts of climate change on the following industries in your municipality? (n = 71)



The reported intensity of impacts to selected industries is presented spatially in the following maps including: commercial fisheries; tourism; real estate and rental leasing; construction industry; and administrative, support, waste management and remediation services. (Figures 21 to 25)

Figure 21. To the best of your knowledge, how strong are the negative climate impacts on commercial fisheries in your municipality (including permitting issues related to species migration)? (n = 98)

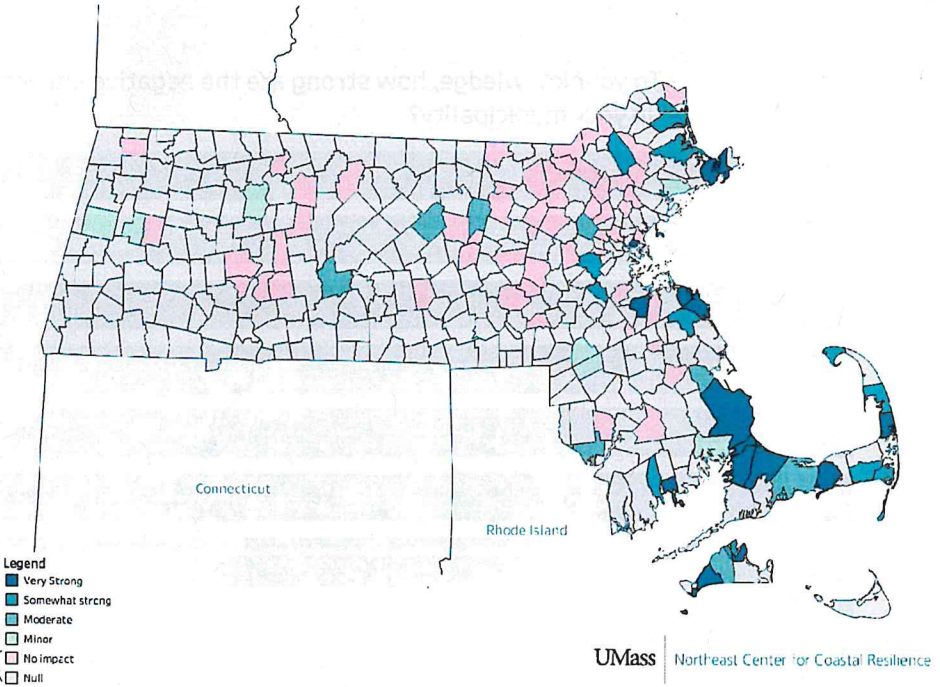


Figure 22. To the best of your knowledge, how strong are the negative climate impacts on tourism industry in your municipality? (n = 99)

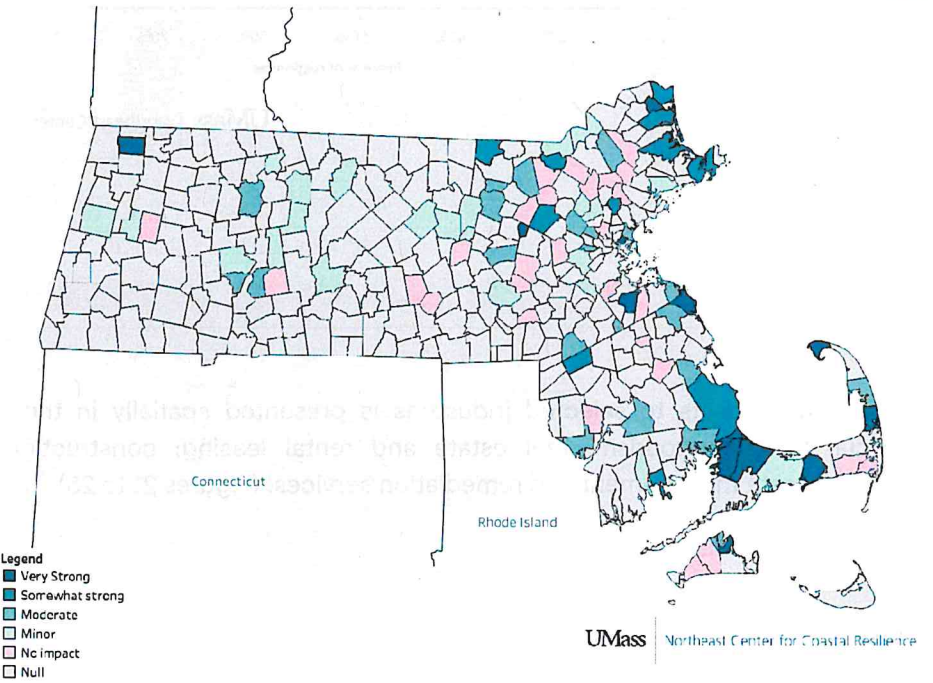


Figure 23. To the best of your knowledge, how strong are the negative climate impacts on real estate and rental leasing in your municipality? (n = 98)

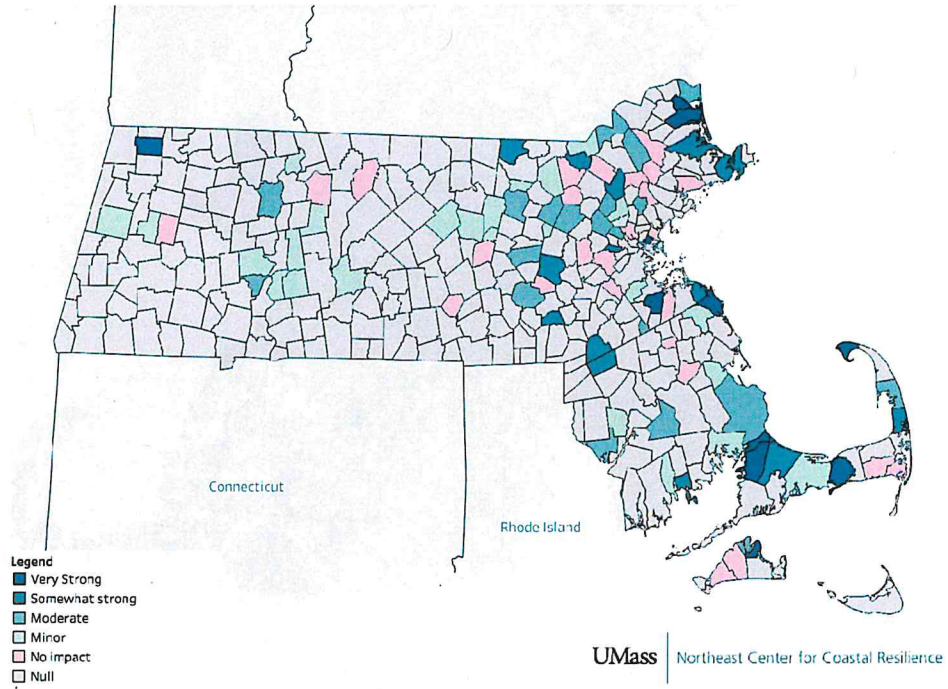


Figure 24. To the best of your knowledge, how strong are the negative climate impacts on construction industry in your municipality? (n = 99)

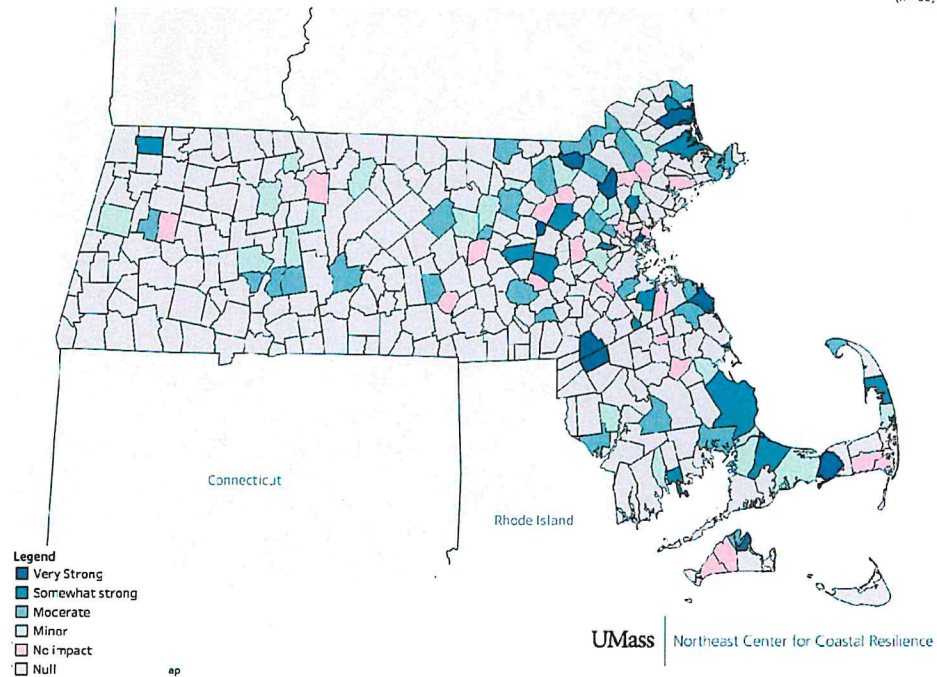
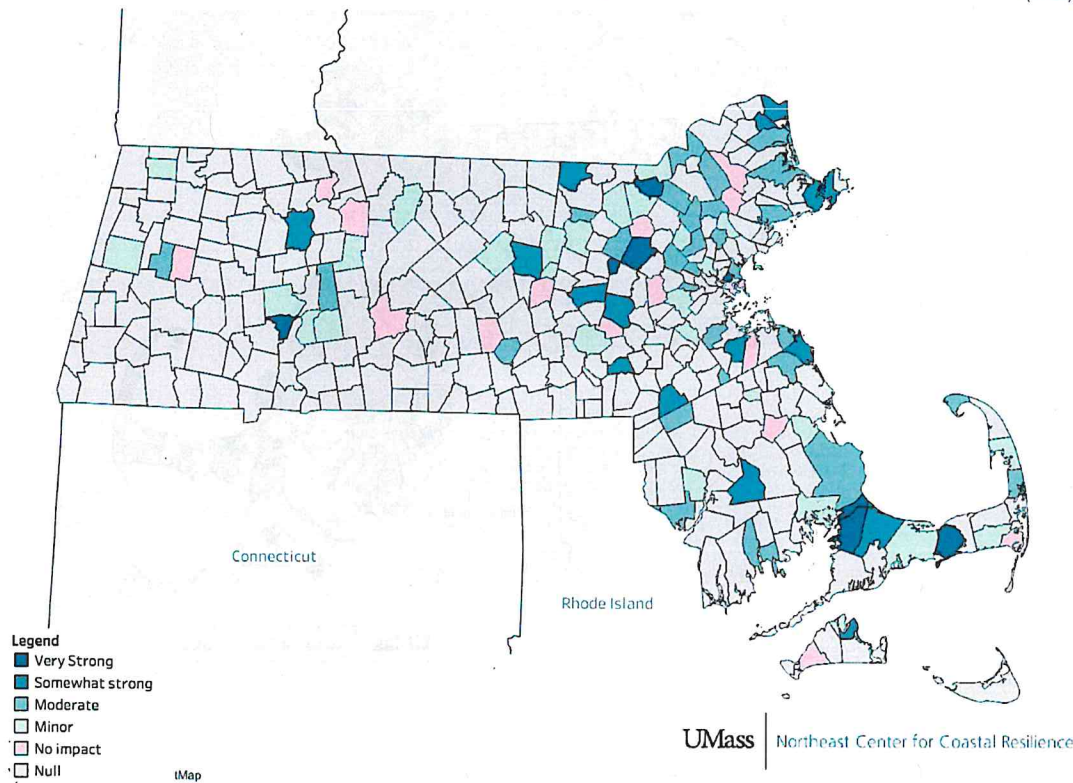


Figure 25. To the best of your knowledge, how strong are the negative climate impacts on administrative, support, waste management and remediation services in your municipality? (n = 98)



3. EQUITY

This section investigates the equity and social justice dimensions of vulnerability to climate change in municipal settings.

Vulnerable groups to climate change impacts

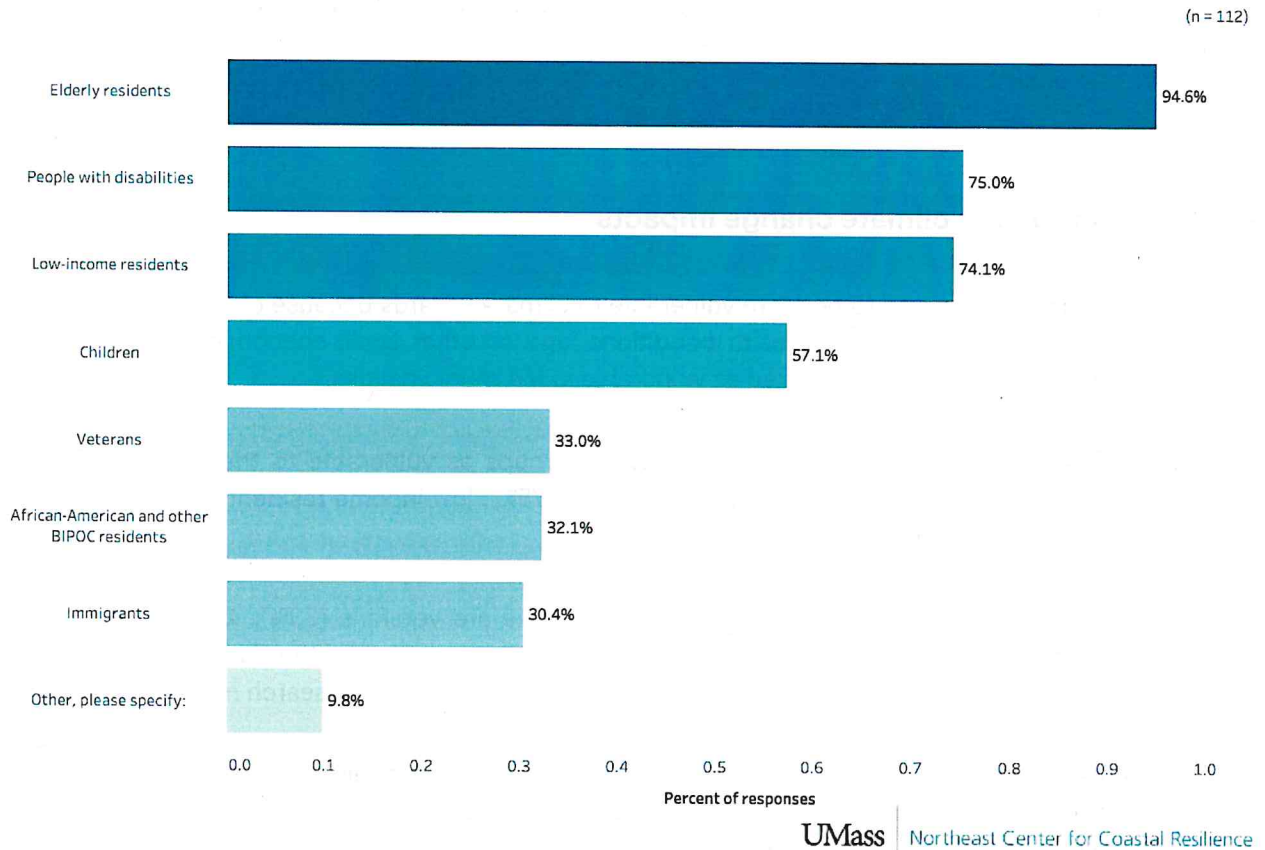
Some populations are expected to be more vulnerable to climate hazards because of higher exposure (due to geographic location), pre-existing health conditions, age or other socio-economic factors. Figure 26 shows the groups most frequently reported as vulnerable in MA municipalities.

- The majority of respondents identified the following groups as vulnerable to the impacts of climate change: elderly residents (95%), people with disabilities (75%), low-income residents (75%), and children (57%).
- The three groups least likely to be identified as vulnerable are veterans (33%), African-American and other POC (32%), or immigrants (30%). This could be partially explained by the low degree of racial and ethnic diversity in MA municipalities. However, this is an area where more research may be beneficial.
- Respondents sometimes indicated “other” vulnerable groups including undocumented residents, residents who spoke languages other than English, people who work outdoors, people living in heat islands or central neighborhoods, and renters.

“We have several high-risk communities including Environmental Justice and seniors who are being impacted more than others. We are trying to use lessons learned about inequities and public engagement from the covid pandemic to apply to climate resiliency.”

- Inland city

Figure 26. Some populations are more vulnerable to climate hazards because of higher exposure (due to geographic location), pre-existing health conditions, age, or structural and socioeconomic factors. In your municipality, which among the following groups have been identified as vulnerable populations to climate change? (Please check all that apply):



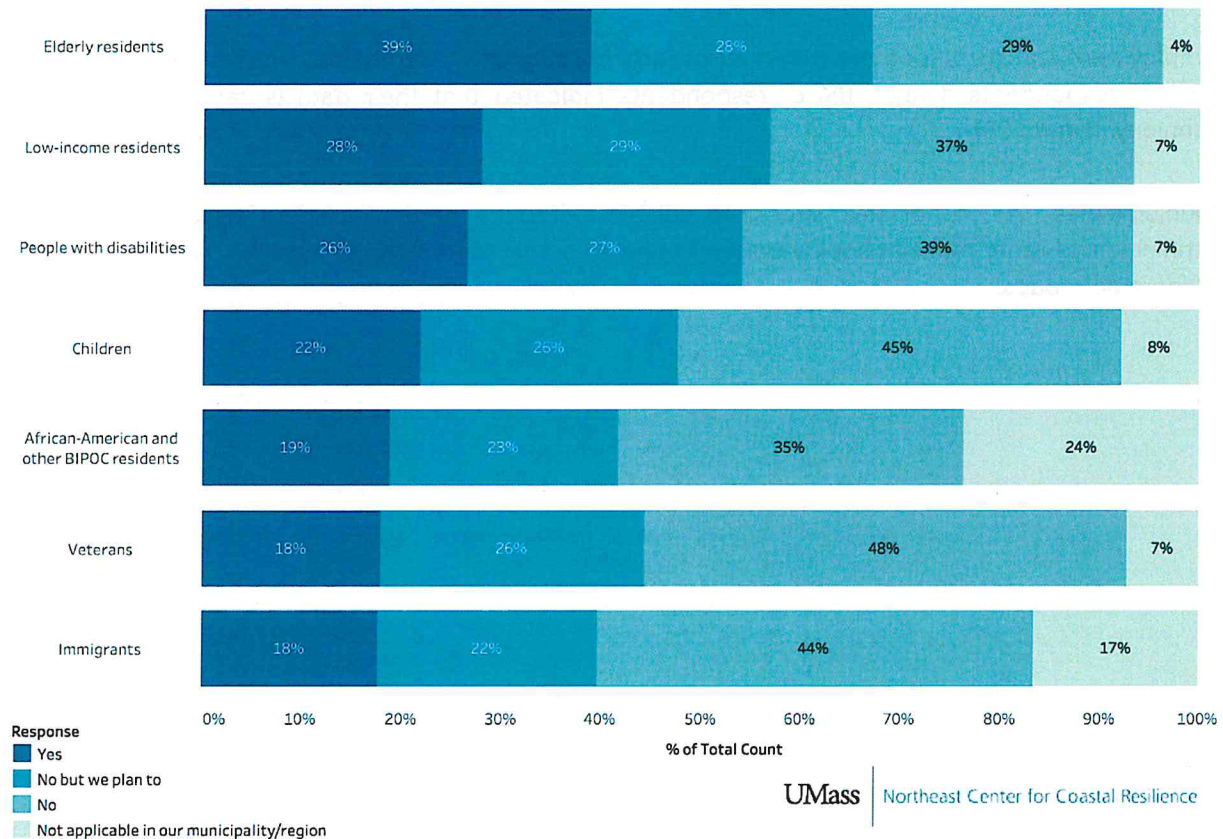
Resources devoted to vulnerable groups

Several municipalities have already dedicated (or plan to dedicate) resources to vulnerable groups to increase their climate resilience capacity (Figure 27):

- Elderly residents are most frequently identified as the focus of resilience plans and programs. 39% of respondents reported that their municipalities have already dedicated resources to this group and 28% plan to dedicate resources in the future. (Figure 27)
- After elderly residents, low-income residents (28%) and people with disabilities (26%) are the groups most frequently selected as the focus of resilience plans and programs. (Figure 27)

- Consistent with the results in figure 26, the three groups least likely to be focus of municipal resilience programs are African-American and other Black, Indigenous, People of Color (BIPOC) residents; Veterans; and immigrants. Fewer than 20% of municipalities reported having dedicated resources to these populations in an effort to increase their resilience capacity. (Figure 27)

Figure 27. Has your municipality dedicated resources (i.e. assessed needs, developed plans or programs) to increase the climate resilience capacity of any of the following populations? (n = 106)

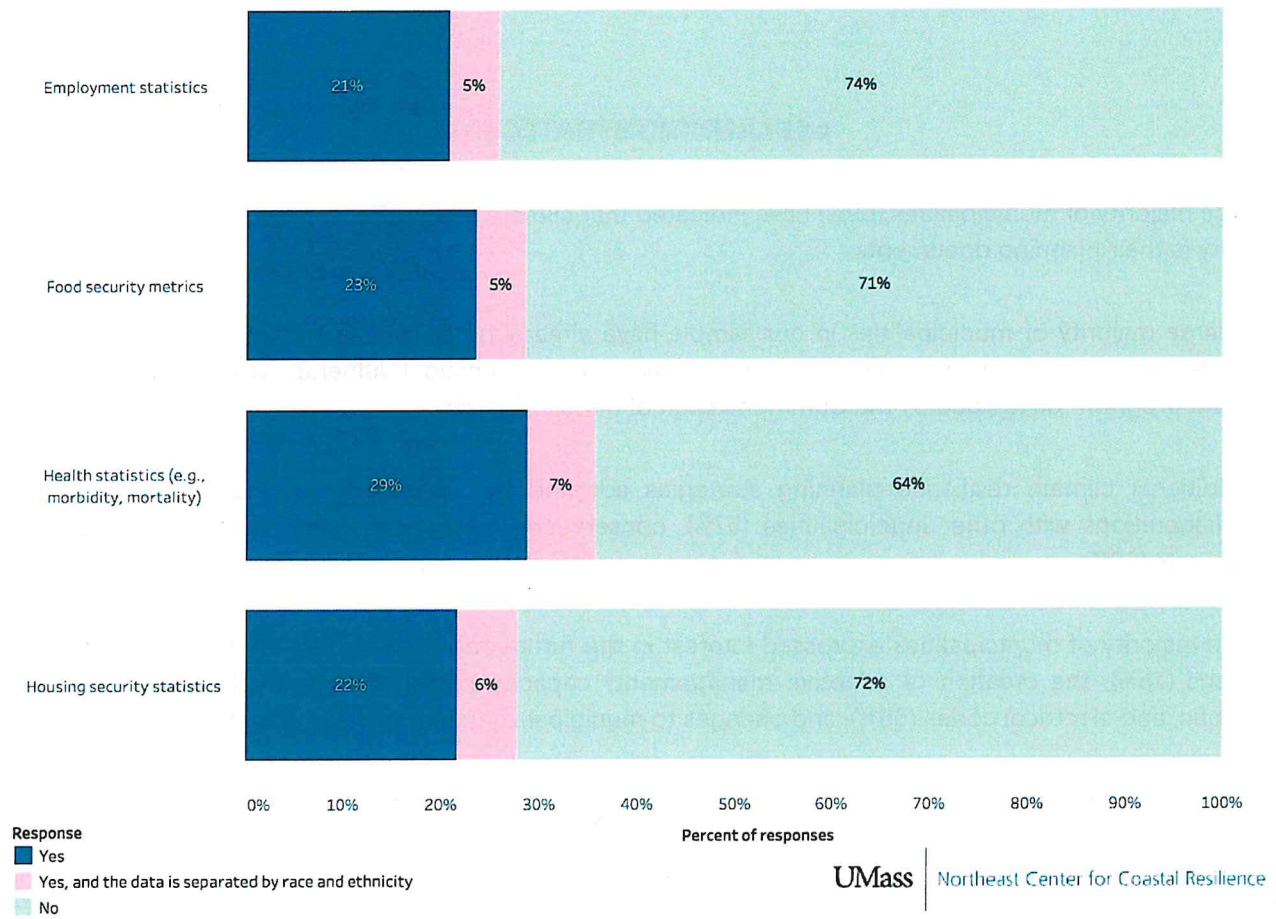


Socio-economic data and welfare indicators

Equitable resilience and adaptation planning requires reliable data to monitor climate impacts on minorities and marginalized groups. Unfortunately only a small percentage of Massachusetts municipalities seem to have access to reliable indicators (Figure 28):

- More than 60% of respondents reported that their municipalities are not using (possibly because they do not have access to) the following types of local data in monitoring impacts of climate extremes: employment statistics; food security metrics; health statistics; and housing and security indicators. (Figure 28)
- Health statistics are the type of data most frequently used to monitor the impacts of climate extremes (36% of municipalities). Only 7% of respondents indicated that their data is separated by race and ethnicity. (Figure 28)
- Employment statistics, food security metrics, and housing and security indicators are used by less than 28% of respondents. Only 5-6% of respondents indicated that their data is separated by race and ethnicity. (Figure 28)
- Municipalities that do not have access to reliable indicators, particularly data disaggregated by race, ethnicity, and other relevant socio-economic signifiers, may be unable to identify, monitor, and support vulnerable groups.

Figure 28. Is your municipality using any of the following types of local data in monitoring impacts of climate extremes? And if yes, is the data separated by race and ethnicity? (Please check all that apply):
(n = 100)



4. RESILIENCE STRATEGIES AND PROGRAMS

This survey asked Massachusetts municipalities what resilience strategies and programs they had already implemented and what strategies they would like to adopt. This section outlines the results for both gray/ engineered infrastructural strategies and green infrastructural strategies.

4.1 PLANNING STRATEGIES

A large majority of municipalities (89%) have indicated that climate adaptation and resilience planning are a priority in their planning documents.

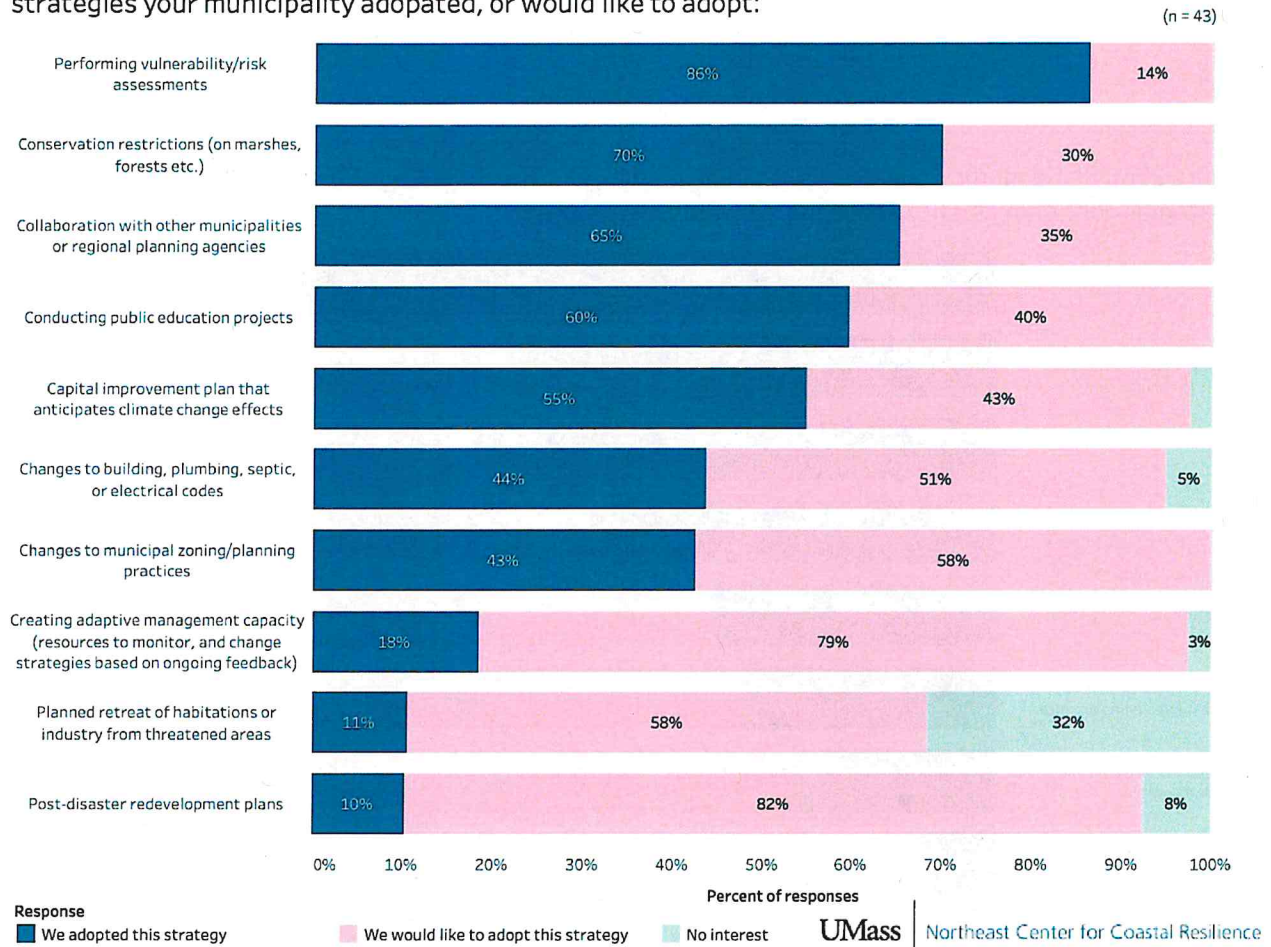
- A large majority of municipalities in our sample have already performed vulnerability/risk assessments (80%). This positive outcome is probably associated with the Municipal Vulnerability Preparedness (MVP) grant program⁵ developed by the Commonwealth of Massachusetts.
- Additional climate resilience planning strategies adopted by the majority of municipalities include collaborations with other municipalities (57%), conservation restrictions (52%), and public education projects (52%).
- The majority of municipalities expressed interest in the future adoption of post-disaster redevelopment plans (75%); the creation of adaptive management⁶ capacity (72%); changes to building, plumbing, septic, and electrical codes (59%); and changes to municipal zoning or planning practices (59%).

Results for coastal and inland municipalities are presented in figures 29a and 29b.

⁵ Municipal Vulnerability Preparedness grant program: <https://www.mass.gov/municipal-vulnerability-preparedness-mvp-program>

⁶ Adaptive management is interpreted as resources to monitor and change strategies based on ongoing feedback.

Figure 29a. Coastal municipalities - Please indicate which of the following climate resilience planning strategies your municipality adopted, or would like to adopt:



"Regarding planned retreat, our municipality does not have any room for horizontal retreat of most structures. We would like to develop a comprehensive plan to assist property owners to elevate their structures."

- Coastal town

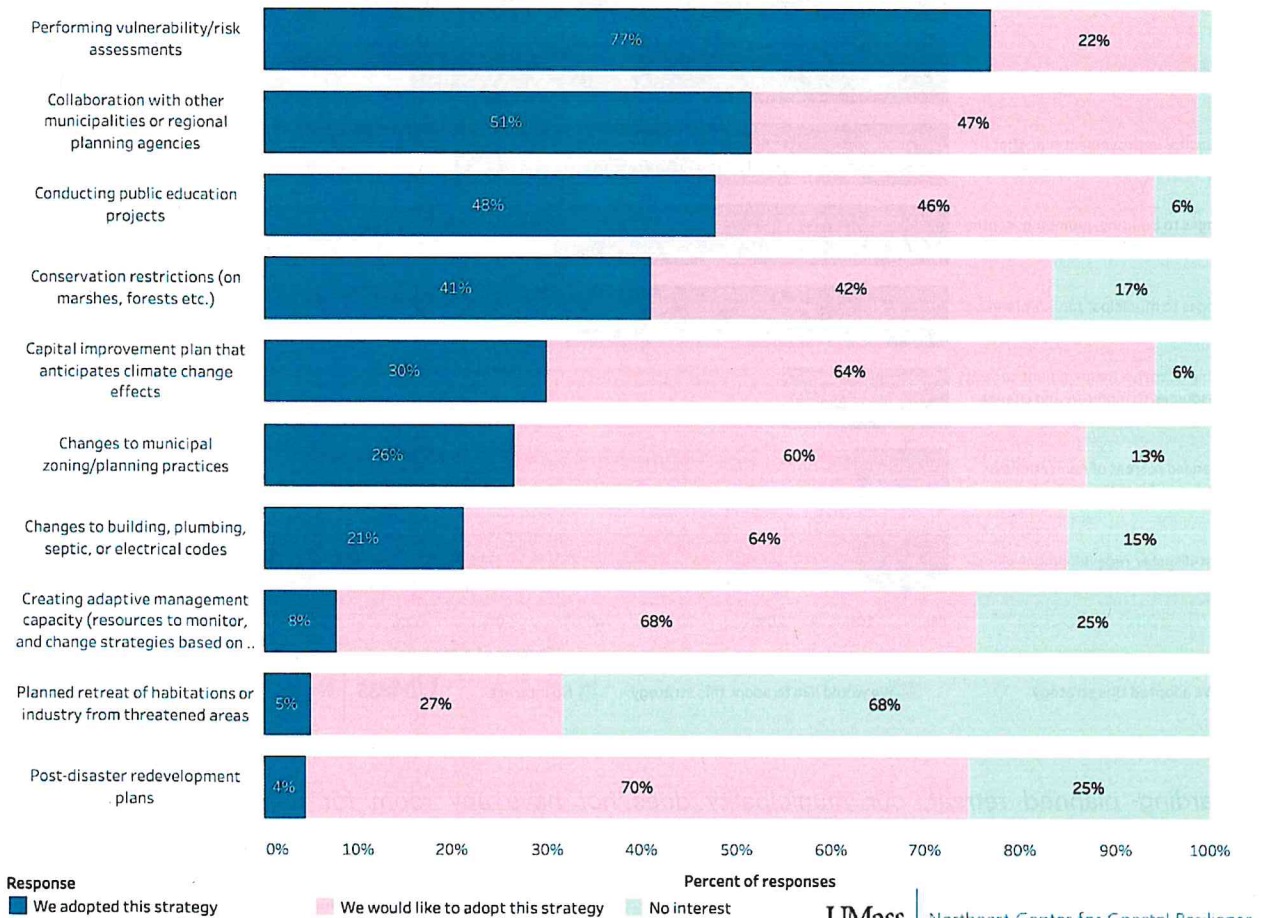
"Our Planning Department is currently trying to make changes but it's slow, turns quite legal, and they hesitate. [...] Fear is preventing us from doing anything. Fear of an exodus of residents. Fear of lawsuits."

- Coastal city

"Additional support [that] municipalities [need] aside from financial resources include regional transportation approaches. Some of the most vulnerable roadways are under state control."

- Coastal town

Figure 29b. Inland municipalities - Please indicate which of the following climate resilience planning strategies your municipality adopted, or would like to adopt: (n = 69)



4.2 ENGINEERING STRATEGIES

- Among MA municipalities in our sample, the most common frequently adopted engineered (gray) infrastructural strategies are improvement or expansion of stormwater drainage systems (37%) and improvement or expansion of wastewater systems (36%).
- Strategies for which municipalities have most frequently expressed interest for future adoption include: interventions to increase the resilience of telecommunication networks (74%), weatherization and retrofitting of buildings (64%), improvement or expansion of stormwater drainage systems (62%), and increasing the resilience of power stations (61%).

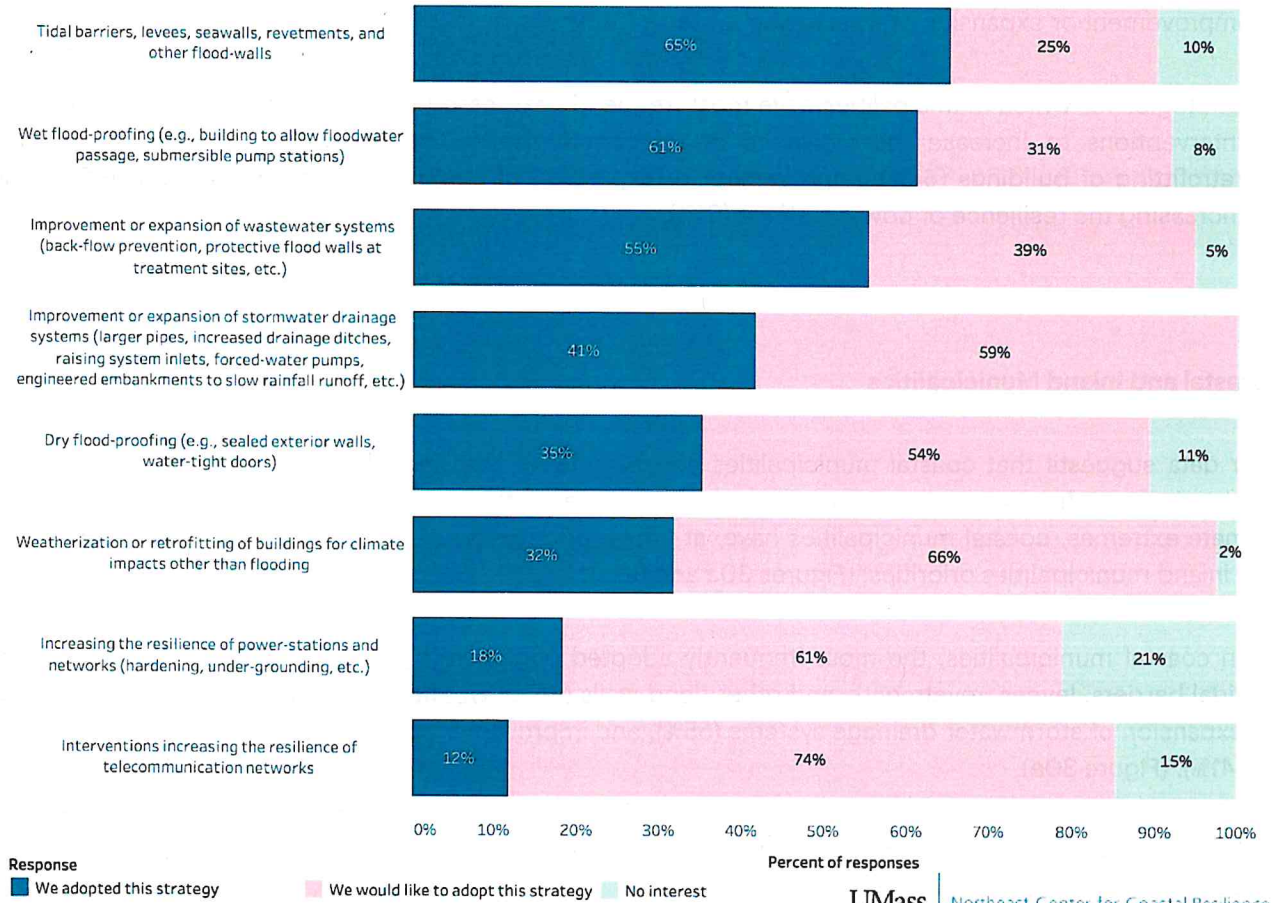
Coastal and Inland Municipalities

Our data suggests that coastal municipalities are more likely than inland municipalities to have already adopted gray infrastructural projects. Moreover, because of their geography and different exposure to climate extremes, coastal municipalities have, at times, prioritized different projects when compared with the inland municipalities priorities. (Figures 30a and 30b)

- In coastal municipalities, the most frequently adopted engineered (gray) infrastructural strategies are tidal barriers, levees, revetments, and other flood walls (65%); wet flood-proofing (61%), improvement or expansion of stormwater drainage systems (55%), and improvement or expansion of wastewater systems (41%). (Figure 30a)
- Unsurprisingly, coastal municipalities reported more interest in wet and dry flood-proofing, and sea-walls/tidal barriers. (Figure 30a)
- In inland municipalities, the engineered (gray) infrastructural strategies most frequently adopted are expansion of stormwater drainage systems (34%); weatherization or retrofitting of buildings (25%); and improvement or expansion of wastewater systems (24%). (Figure 30b)
- Coastal and inland respondents reported similar priorities for the future adoption of gray infrastructure to increase coastal resilience, including interventions to increase the resilience of telecommunication networks (74% of both inland and coastal municipalities); weatherization and retrofitting of buildings (66% of coastal and 63% of inland municipalities); improvement or expansion of stormwater drainage systems (59% of coastal and 63% of inland municipalities); and increasing the resilience of power stations (61% of coastal and 60% of inland municipalities). (Figures 30a and 30b)

Figure 30a. Coastal municipalities - Please indicate which of the following engineered (gray) infrastructure strategies your municipality has adopted, or would like to adopt:

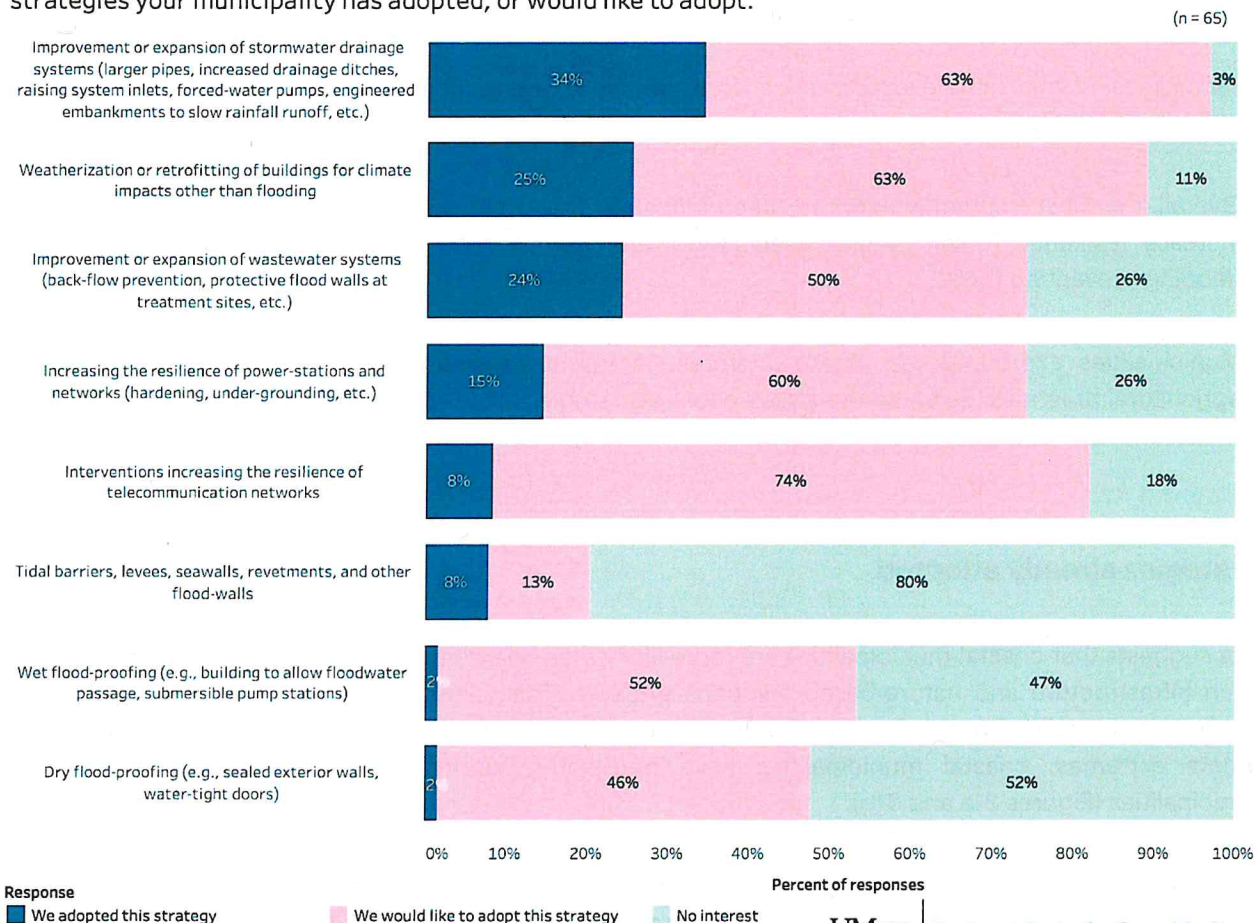
(n = 44)



"[We are facing] difficulties getting utility company to help us with increased electrical infrastructure, modernizing our electrical grid and with resilience and distributed generation projects."

- Coastal town

Figure 30b. Inland municipalities - Please indicate which of the following engineered (gray) infrastructure strategies your municipality has adopted, or would like to adopt:



"Culvert repair and tree removal are the target priorities. It can be difficult to convince residents of the need to spend what is needed. The regulatory requirements for culverts (stream crossing standards) make them very expensive."

- Inland town

"We need more assistance with road washouts after big storms. All the communities in the [area] have these issues, and we need a better way of addressing the problem. The water this summer has washed out the edges of paved roadways. If we cannot get them all fixed quickly, the next storm will undermine the roads, leading to even larger problems."

- Inland town

4.3 GREEN INFRASTRUCTURE AND NATURE BASED-SOLUTIONS

Municipalities in our sample expressed a considerable amount of interest in green infrastructure and nature-based solutions.

- Overall, the most frequently adopted green infrastructural practices are land conservation strategies to increase resilience (69%), nature-based stormwater management systems⁷ (56%), and nature-based flooding prevention (46%).
- Municipalities expressed the greatest interest in future adoption of green roofs (67%), restorative agricultural practices (58%), nature-based cooling strategies (56%), and urban forests (55%).

Strategies already adopted

Data suggests that coastal municipalities are more likely than inland municipalities to have already adopted green infrastructure and nature-based solutions projects. This is consistent with what we have already observed in the case of gray infrastructure. Moreover, because of their geography and different exposure to climate extremes, coastal municipalities have frequently prioritized different projects than inland municipalities (Figures 31a and 31b).

- In coastal municipalities, the majority of respondents reported that they have already adopted land conservation practices (81%); nature-based erosion control measures (72%); nature-based flooding prevention (67%); and nature-based stormwater management (64%). (Figure 31a)
- In inland municipalities, the green infrastructure strategies most frequently adopted include land conservation practices (69%); nature-based stormwater management (56%); and nature-based solutions to prevent flooding (46%). (Figure 31b)

Strategies that municipalities wish to adopt

Coastal municipalities are on average more likely to express interest in the future adoption of green infrastructure and nature-based solutions compared to inland municipalities:

⁷ 25% of respondents reported that their municipality adopted engineered resilience strategies to stormwater management systems.

- In coastal municipalities, the majority of respondents expressed interest in the future adoption of green roofs (73%), urban forests (58%), and nature-based cooling strategies (54%). (Figure 31a)
- In coastal municipalities, the majority of respondents expressed interest in the future adoption of green roofs (67%), restorative agricultural practices (58%), nature-based cooling strategies (56%), and urban forests (55%). (Figure 31a)
- Inland municipalities were 9 percentage points more likely to express their interest in restorative agricultural practices and slightly (2 percentage points) more likely to support nature-based cooling strategies. In all other categories, compared to inland municipalities, coastal municipalities more frequently indicated interest in future adoption of green strategies. (Figure 31b)

Figure 31a. Coastal municipalities - Please indicate which of the following green infrastructure and nature-based solutions your municipality or planning region has adopted or would like to adopt: (n = 43)

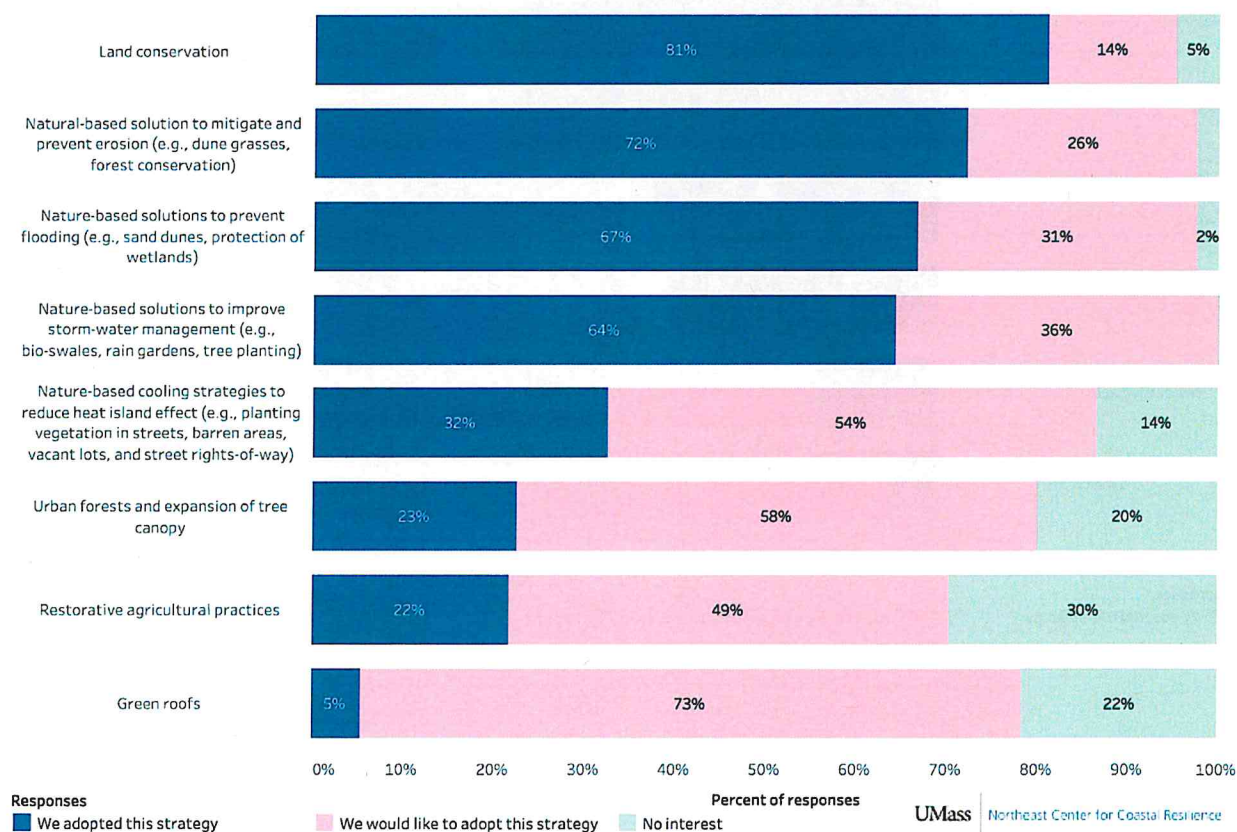
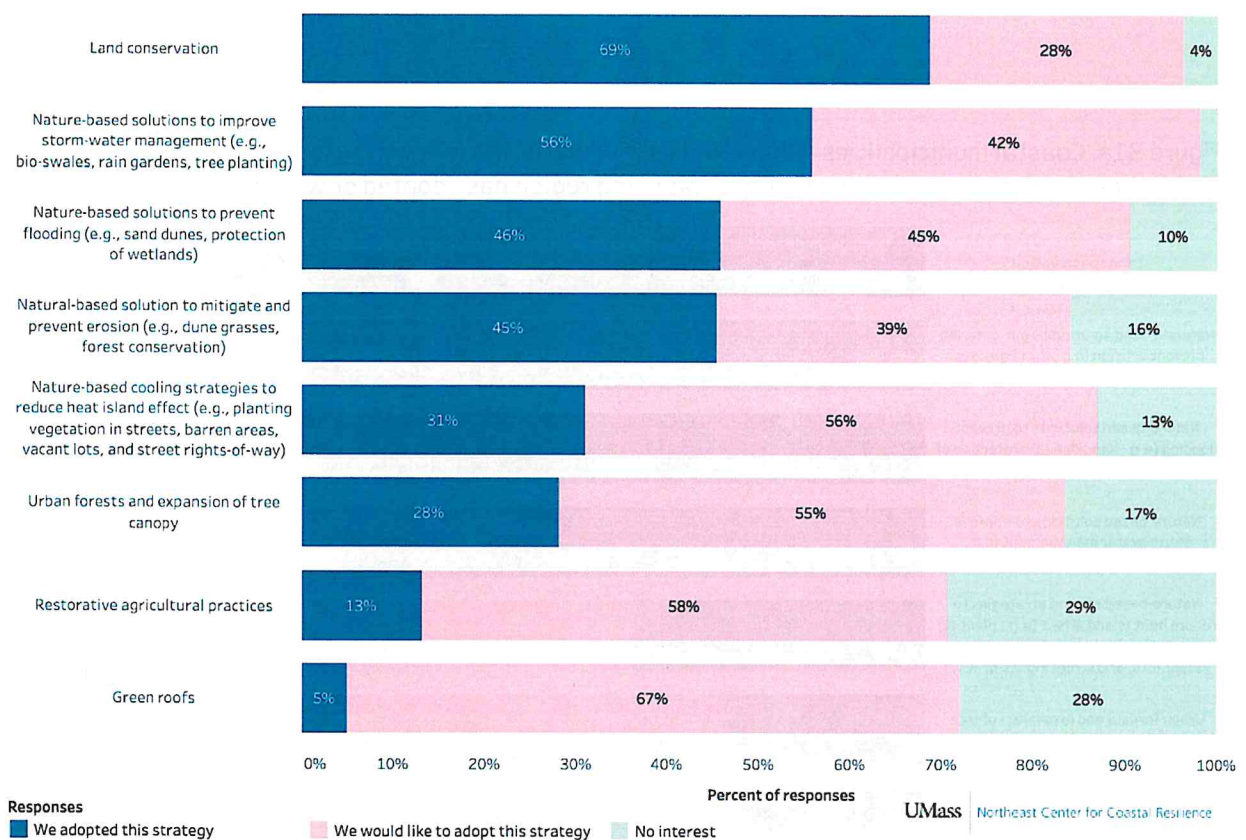


Figure 31b. Inland municipalities - Please indicate which of the following green infrastructure and nature-based solutions your municipality has adopted or would like to adopt:

(n = 64)



5. USE OF COVID-19 RECOVERY FUNDS TO FINANCE SUSTAINABLE PROGRAMS

COVID-19 green recovery

States and municipalities around the US have started exploring possible COVID-19 economic recovery pathways. The expression *green recovery* has emerged to describe policies that push for low-carbon economic growth, prioritizing renewable energy, energy efficiency, green transport, climate resilience and other environmentally beneficial projects.

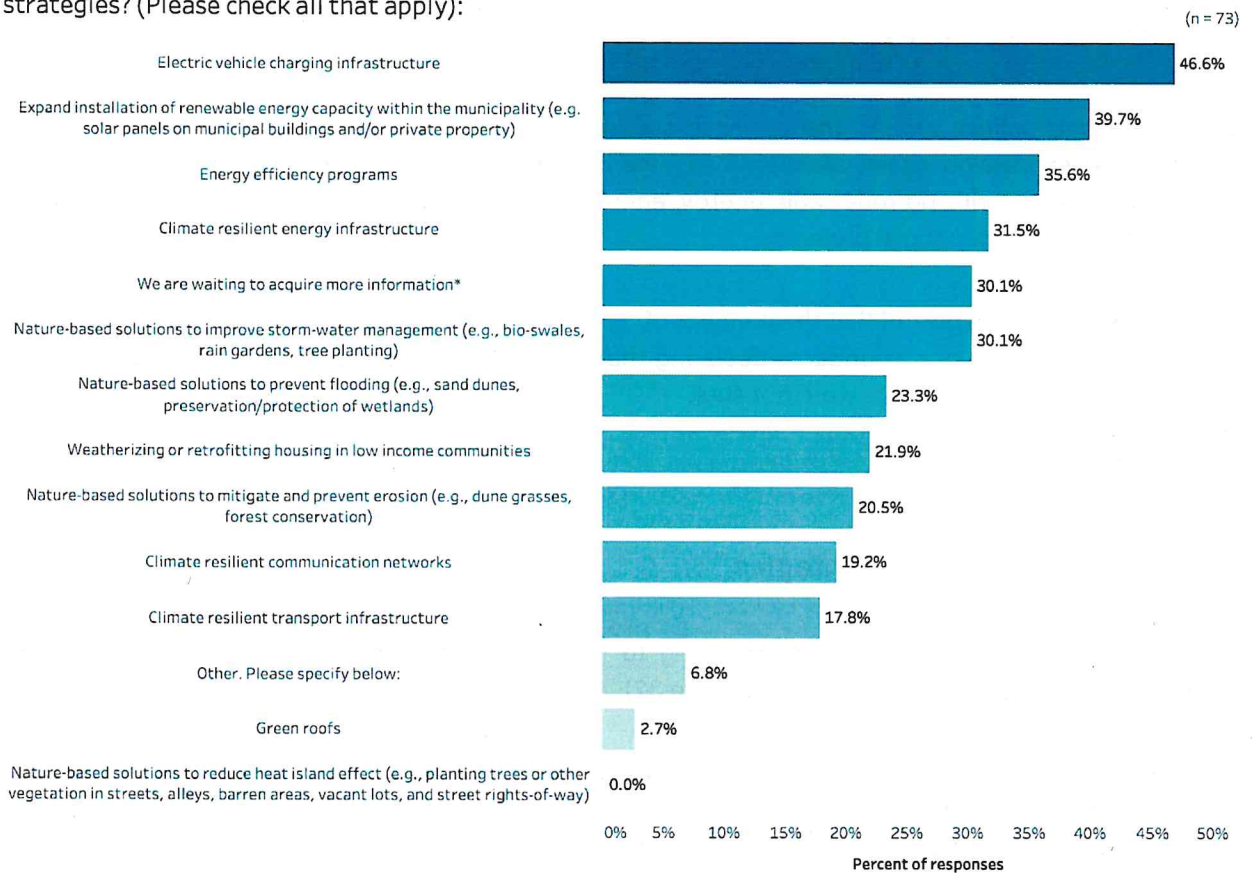
- 36% of respondents reported that the concept of “green recovery” strategies had been discussed in their municipalities vs. 41% of respondents declaring that there had not been discussion of “green recovery” strategies. 23% of respondents were not sure.

Financing green recovery strategies

Several MA municipalities are using or planning to use state and federal COVID-19 recovery funds to finance sustainable policies and programs (Figure 32):

- The top three programs and strategies most frequently selected focus on climate mitigation and include electric vehicle charging infrastructure (47%), expansion of renewable energy capacity within the municipality (40%), and energy efficiency programs (36%).
- Climate adaptation and climate resilience strategies are less frequently selected than climate mitigation strategies. 31% of respondents indicated using or planning to use COVID-19 recovery funds for climate resilient energy infrastructure while 30% selected nature-based solutions to improve storm-water management or to prevent flooding and erosion.
- 30% of respondents reported that they aren’t sure about allocations and/or permissible uses for these funds at this time.
- In specifying “other” responses, respondents indicated that they also planned to invest recovery funds into water supply projects, wastewater and stormwater management projects, and hiring staff members if these were permissible categories of spending.

Figure 32. Is your municipality using or planning to use Coronavirus State and Local Fiscal Recovery Funds (CSFRF/CLFRF, Fiscal Recovery Funds, ARPA funds) to finance the following sustainable programs and strategies? (Please check all that apply):



* Uncertain about eligibility or permissible use of funding

UMass | Northeast Center for Coastal Resilience

"We are still waiting for direction on how we can use this money. We need to pay for staff to manage this work as well as the capital costs of the work."

- Coastal town

6. BARRIERS

This section explores possible barriers to the implementation of resilience strategies including, resource limitations (e.g., limited staffing capacity); governance and coordination barriers; and deficiencies in data and information.

6.1 RESOURCES CONSTRAINTS

- As seen in Figure 33, the most frequently reported barrier to implementation of climate change resilience plans is limited staffing capacity (92% of respondents from towns and 85% from cities).
- Other frequently reported barriers related to municipal resources include lack of a centralized way to identify funds (51%), lack of regulatory authority to support enforcement of strategies (47%), lack of expertise (43%), and lack of grant-writing capacity (40%). (Figure 33)

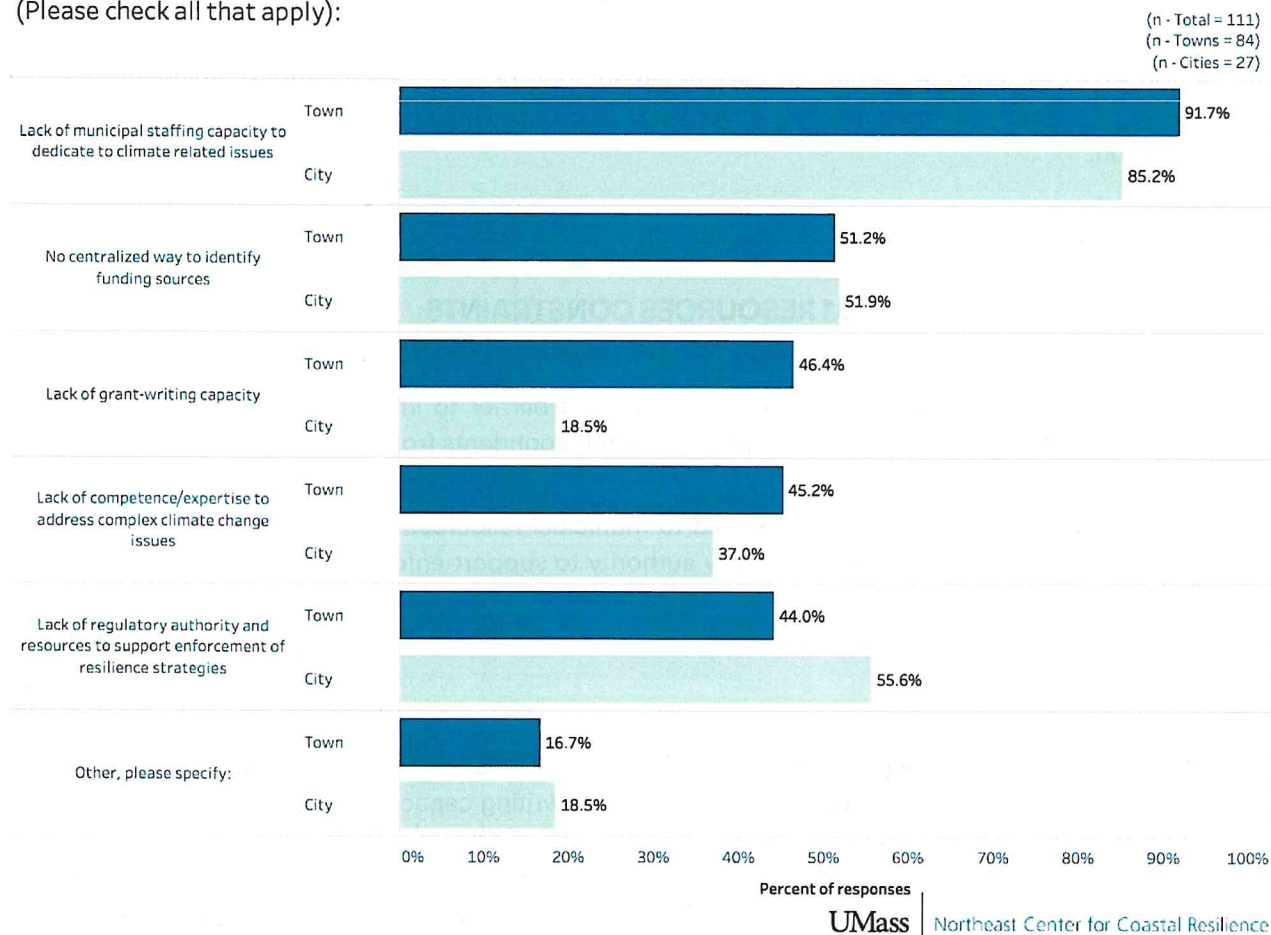
Towns

- In towns, the most frequently reported barriers include staffing constraints (91%); lack of a centralized way to identify funds (51%); lack of grant-writing capacity (46%); and lack of expertise to address complex issues related to climate change (45% of towns). (Figure 33)
- Lack of grant-writing capacity is a considerably more prominent issue in towns (46%) than in cities (19%). (Figure 33)

Cities

- In cities, the most frequently reported barriers include staffing constraints (85%); lack of regulatory authority to support enforcement of resilience strategies (56%); lack of a centralized way to identify funds (51%), lack of grant-writing capacity (19%), and lack of expertise to address complex climate change issues (37%). (Figure 33)
- Lack of regulatory authority to support enforcement of resilience strategies is more frequently reported in cities (56%) than in towns (44%). (Figure 33)
- Cities and towns struggled equally with identifying funding sources for resilience projects. (Figure 33)

Figure 33. Municipal resources by towns and cities - Please indicate which of the following barriers complicate, slow, or prevent the implementation of climate change resilience plans in your municipality (Please check all that apply):



"Our Resiliency Committee has spent years writing a Resiliency Plan for our city and our biggest fear is that it will remain as a doorstop. Our Committee is working hard to prevent this. But we need leaders to fund full-time staff dedicated to this effort."

-Coastal city

"[Our town] is significantly impacted by climate change. Unfortunately we lack the technical expertise and financing to identify and move critical projects forward."

- Coastal town

"[There is] competition for financial and staff resources between urgent needs and preparing for climate resilience."

- Inland city

- In specifying "other" responses, respondents indicated the following additional barriers: funding constraints, lack of political or community support, and complicated relationships with private entities. These barriers are each captured elsewhere in this survey (Figure 35). However, these themes arising, spontaneously and unprompted, in qualitative response (some are reported below) underscores the importance of these themes to municipalities.

"We need pre-development and feasibility study funding to compete for VERY competitive large scope grants."

- Inland town

"The barriers are money and disbelief."

- Coastal city

"[We need] more direct aid as opposed to grants. There seems to be an entire industry focused on grant applications and much energy is spent on grant applications as opposed to solving actual issues. Staff evaluates risk/reward at every grant opportunity which can be time consuming and detract from daily activities."

- Inland town

"In order to reach down to rural communities with limited staffing and resources any program must come with administrative and technical support. Without the staffing and expertise available to package the data and explain "why" a certain program will achieve desired outcomes the effort will not be sustained."

- Inland town

"Permitting and project review take years to get through the multiple permitting agencies. Grants are competitive."

- Coastal town

"Our biggest challenge is funding. We have community support with good plans and concepts, but we don't have enough general funds to implement. Grants, like the MVP program, are great but so competitive and rarely fund entire projects from plan to design to construction to operations & maintenance. We would love reliable, consistent state and/or federal funding (similar to Ch 90 funding) to be able to strategically plan and implement mitigation efforts."

- Inland town

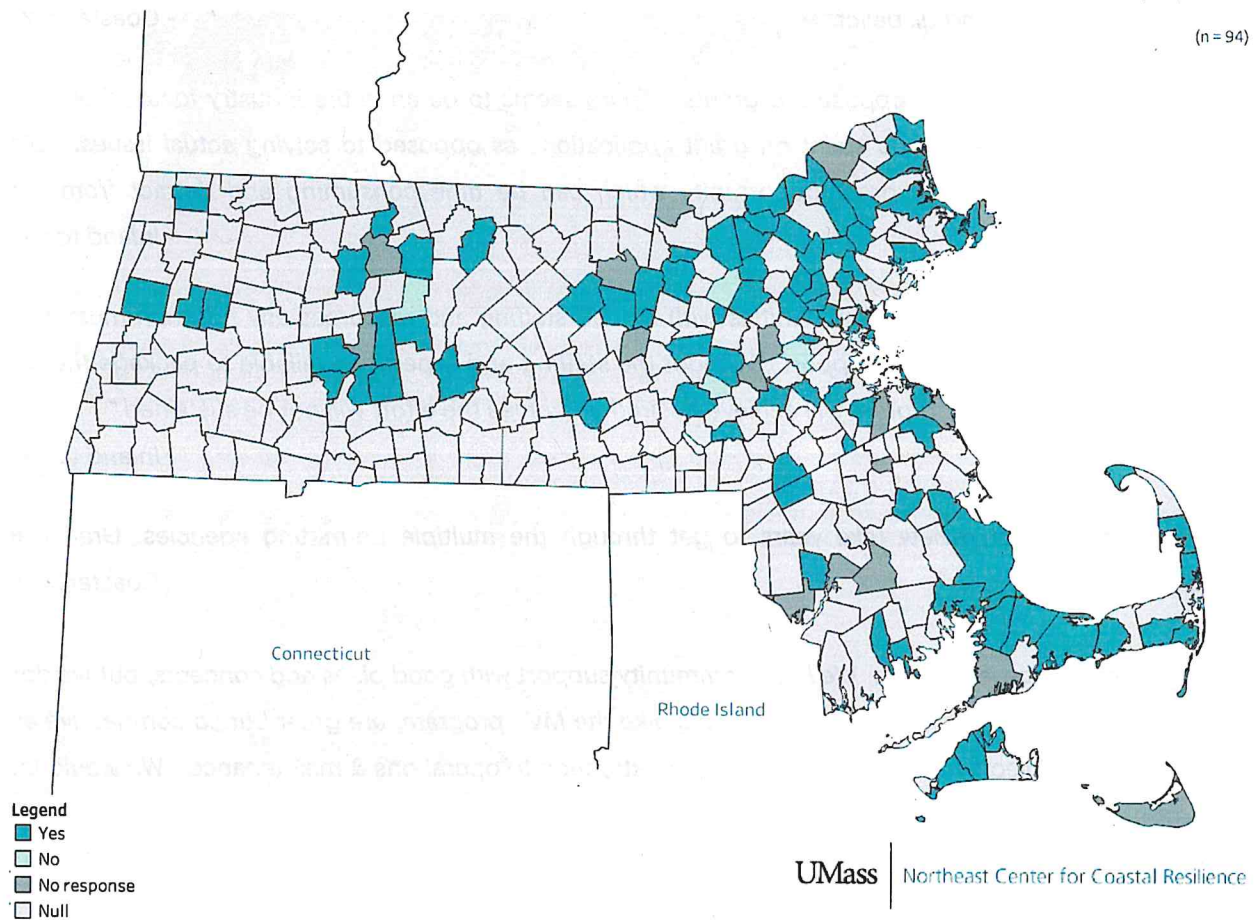
"Lack of grants and other resources (or a lack of knowledge about them or where to find them - or how to access and apply and support the funding of them) for addressing the damage or mitigation of climate related municipal projects. Our beaches are being impacted by erosion and our lakes being infested with invasive species - we have little to no available funding to address these problems without the burden of raising property taxes or requiring private residents to fund any improvements. [...] We have spent thousands on the engineering plans - and yet the plans will collect dust unless there is some way to finance the improvements with grants or state funding."

- Inland town

Staffing Capacity

A large majority of municipalities (89%) have indicated that climate adaptation and resilience planning are a priority in their planning documents. However, a large percentage of respondents reported that limited staffing capacity hinders the implementation of resilience plans in their municipality (92% of respondents from towns and 85% from cities). (Figures 33 and 34)

Figure 34. Limited municipal staffing capacity - Does limited municipal staffing capacity represent a barrier complicating, slowing, or preventing the implementation of climate change resilience plans?



- 14% of respondents from towns and 22% from cities reported that they have one or more full-time staff members dedicated completely to climate resilience planning.
- 82% of respondents from towns and 85% from cities indicated that they have one or more staff members who allocate only some of their time to climate planning.

- 4% of municipalities reported that they have only volunteers or unpaid interns (and no paid staff members) working on climate resilience planning. Other municipalities have a mix of part-time staff members and volunteers.
- Because of self-selection discussed in the introduction, staffing capacity may be even lower in municipalities that have not completed the survey.
- In qualitative responses to open-ended questions, municipalities often expressed the need for additional staffing to support climate resilience planning.

"We would like to have a full time climate planner but do not have the resources to dedicate a full time position to this effort yet."

- Inland city

"We lack the staffing to actively pursue these efforts diligently. There are a number of staff working on various elements of climate resiliency, but only in addition to their other responsibilities. Towns should develop a climate office that oversees all climate related initiatives at some point in the future. This is a critical issue that needs immediate action."

- Coastal town

"We have insufficient resources to fund climate change resilience implementation following planning stages. [We have] limited staffing capacity and limited grant-writing expertise."

- Coastal town

"[Our city] has some 40 volunteer Boards, Commissions and Committees that provide valuable expertise, time and energy to doing the work of the city. However, this only goes so far no matter how well-motivated these citizens are. Increased staffing is a top priority."

- Coastal city

6.2 COORDINATION AND GOVERNANCE CONSTRAINTS

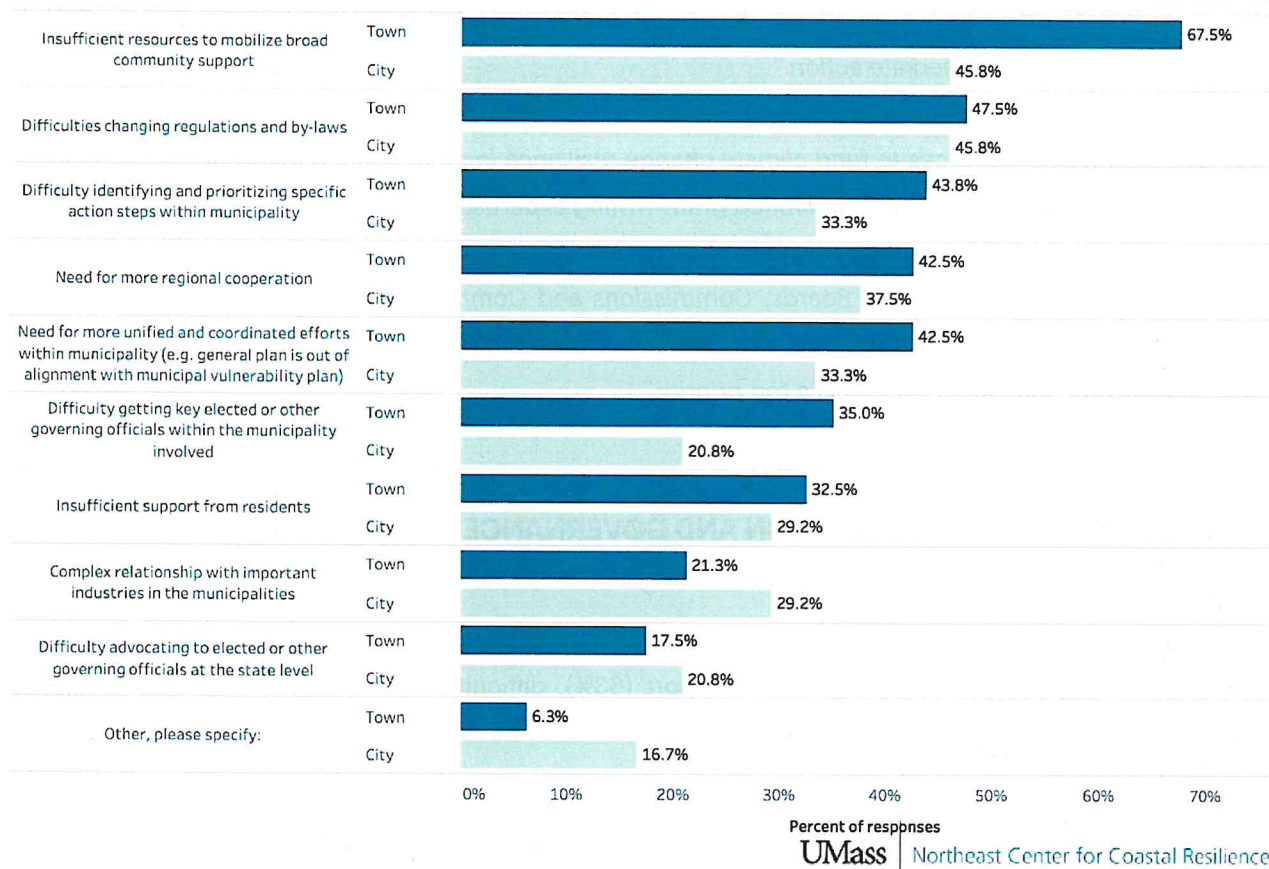
- Overall, the top coordination and governance barriers reported by municipalities were insufficient resources to mobilize broad community support (63%), difficulties changing by-laws and regulations (47%), difficulty identifying and prioritizing action steps (41%), and coordination issues both regionally (41%) and internally (40%).
- In towns, respondents were markedly more likely than in cities to identify insufficient resources to mobilize broad community support as a barrier to resilience planning (68% of towns and 46% of cities). They were also more likely to report difficulties in identifying and prioritizing action steps (44%); getting

key elected and other governing officials on-board (35%); and both internal and regional coordination issues (43%). (Figure 35)

- Cities were more likely than towns to report the following barriers to climate resilience planning: complex relationships with industries (30%); and difficulty advocating at the state level (21%). (Figure 35)
- In specifying “other” responses, municipalities indicated difficulty coordinating with utility providers, a lack of consistency in performance standards across departments, long timelines for permitting and project review, exaggerated cost estimates of projects, disagreement among governing officials, difficulty coordinating with the state, limitations of all-volunteer boards, difficulty coordinating with property owners, and having not made enough progress in climate resilience planning to know what the barriers are. (Figure 35)

Figure 35. Coordination and governance by towns and cities - Please indicate which of the following barriers related to coordination and governance complicate, slow, or prevent the implementation of climate change resilience plans in your municipality.

(n - Total = 104)
(n - Towns = 80)
(n - Cities = 24)



This section of the survey received numerous comments from respondents, we report a few below, organized by theme.

- Insufficient community support:

"There appears to be little public support in the community for climate resiliency actions." - Inland town

"There are some small communities without much capacity that have a strong volunteer base that want to do a lot but the public [is] largely uninformed." - Inland town

"Mayor is on board but some councilors don't understand the return on investment." - Coastal city

- Difficulties changing regulations and bylaws:

"Generally we are concerned that building codes cannot be updated beyond state code requirements." - Inland city

"[There are] political issues involved in proposing and achieving approval for changes to zoning and other policies that would facilitate implementation of proactive resiliency planning. Resistance to the idea of limiting development in high hazard areas, future retreat, etc." - Coastal city

- Need for unified and coordinated efforts within the municipality:

"We lack the staffing to actively pursue these efforts diligently. There are a number of staff working on various elements of climate resiliency, but only in addition to their other responsibilities. Towns should develop a climate office that oversees all climate related initiatives at some point in the future. This is a critical issue that needs immediate action." - Coastal town

"We need ALL departments to be FORCED to base ALL decisions with climate change in mind. Our Resiliency Plan has a lot of great ideas but we have no means to implement it. We need laws to force us to do so and we need a Resiliency Coordinator to assist us all and to enforce Departments to comply. At least pass an ordinance that all Departments must prove that adapting to climate change is now necessary. Prove it." - Coastal city

- Need for more regional coordination:

"[A barrier to resilience planning is that] we do not have municipal control over power or telecommunications networks." - Coastal city

"There has to be a better way, regionally, we could address these issues. The work could be easier if teams of people worked on items like this more systematically and regionally. We never have time to put heads together and come up with better ways to accomplish these tasks. Instead, town by town, our small crews go out with insufficient equipment doing it over and over, rather than solve it once for many years. "

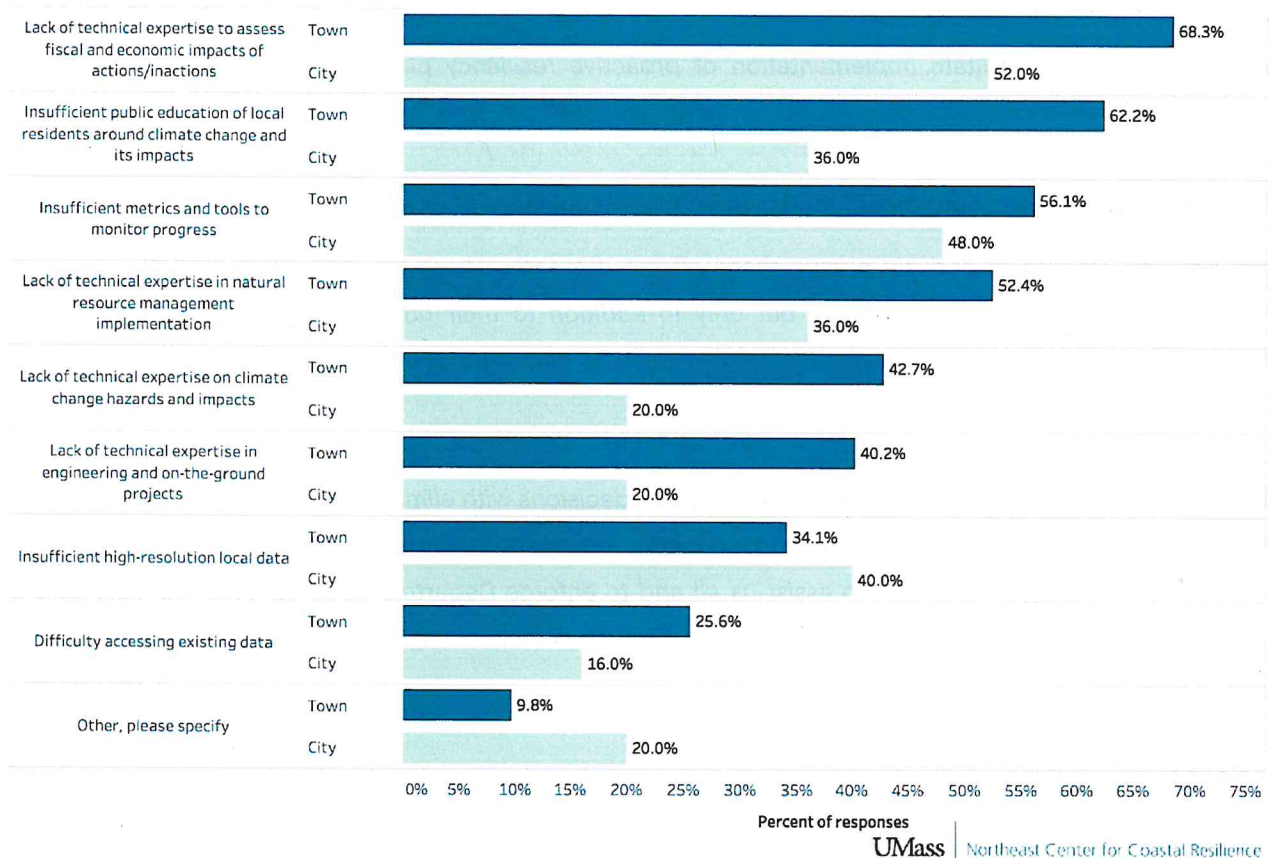
- Inland town

6.3 DATA AND INFORMATION CONSTRAINTS

Lack of or difficulty accessing data and information may represent ulterior barriers that complicate, slow or prevent the implementation of resilience strategies. (Figure 36)

Figure 36. Data and Information by towns and cities - Please indicate which of the following barriers complicate, slow, or prevent the implementation of climate change resilience plans in your municipality or planning region (Please check all that apply):

(n - Total = 107)
(n - Towns = 82)
(n - Cities = 25)



- The most frequently reported barrier to the implementation of climate resilience plans is the lack of technical expertise to assess fiscal/economic impacts of actions/inactions (68% of towns respondents and 52% of city respondents). (Figure 36)
- In towns, compared to cities, respondents more frequently reported barriers related to data and information (e.g., lack of technical expertise, insufficient public education of local residents, etc.). One exception is the lack of high-resolution local data, selected as a barrier by 40% of city respondents. (Figure 36)
- In towns, more than 40% of respondents reported also the following barriers: insufficient public education of local residents around climate change and its impacts (62%), insufficient metrics and tools to monitor support (56%), lack of technical expertise in natural resource management implementation (52%), lack of technical expertise in climate hazards and impacts (43%), and lack of technical expertise in engineering and on-the-ground projects (40%). (Figure 36)
- In cities, more than 30% of respondents reported also the following barriers: insufficient metrics and tools to monitor progress (48%), insufficient high-resolutions local data (40%), lack of technical expertise in natural resource management and implementation (36%), and insufficient public education of local residents around climate change and its impacts (36%). (Figure 36)
- In specifying “other” answers, municipalities reported limited staff time, funding issues, difficulty prioritizing competing needs, lack of transportation data, and the need to monitor climate mitigation efforts in order to mobilize support for climate resilience.

“[There is] no time at a small municipality without planning [resources], and staff, to even look for some of this [data], never mind process or use.” - Inland town

“Any information that will help municipalities be able to implement climate resilience practices as quickly as possible will be helpful. So knowing there is a place to look for these resources and experts to ask, rather than spending lots of time researching solutions, will be very very helpful indeed. Case studies on where and how it's been implemented so we can go see these systems will also be helpful.” - Inland city

“More [trainings/webinars] on department-specific considerations. What should a building inspector, a forester, a procurement officer, engineers, health inspector, etc., know about how their work may change as a result of climate change? What are their specific roles in supporting climate action?” - Coastal city

Numerous municipalities in our survey are MVP communities. The **Municipal Vulnerability Preparedness grant program (MVP)**⁸ is perceived as very helpful by the survey respondents. The program "provides support for cities and towns in Massachusetts to begin the process of planning for climate change resiliency and implementing priority projects. The state awards communities with funding to complete vulnerability assessments and develop action-oriented resiliency plans. Communities who complete the MVP program become certified as an MVP community and are eligible for MVP Action Grant funding and other opportunities." Some municipalities provided suggestions to expand or improve the MVP program with emphasis on **data acquisition and knowledge sharing**:

"A challenge is lack of State funding for feasibility studies and designs. The Municipal Vulnerability Preparedness grant program is competitive, only about a third of all applications were funded in 2020. And the funding is limited for studies (i.e., micro-grid feasibility study, etc.) If MVP or a similar program had more funding for feasibility studies, this would help alleviate some of the data gaps that many municipalities face."

- Inland town

"If there are ways to help communities identify key Best Management Practices or common items to implement within communities that every community should be instituting - that would be helpful. Ways to easily update our MVP plan with actionable items would be helpful going forward so we can more easily prioritize projects and seek funding to implement them."

- Inland city

"[In our municipality] the MVP process produced a very broad brush plan. It lacked the specific steps to take which is the next piece we need to do. It would have been helpful if the MVP process forced us to be more specific, or had a phase 2 plan funded to get the community to those more specific and task oriented list from which to choose to seek grant funding for implementation."

- Inland city

"The MVP planning process should include some baseline items every community should implement if they haven't already. That way all communities can rise up to be more resilient together, rather than some communities getting a head start because they had better consultants and better thought process during their planning exercises. We understand that every community is unique. However, I assume there are some baseline items every community should look into."

- Inland city

"After our MVP planning process, we realized that we missed lots of details, which other communities had included, and we thought that we should have all been given these ideas during the planning process and we would have included them in our plan, but just hadn't thought about them - which resulted in vague plan with mediocre non-actionable item."

- Inland city

⁸ Municipal Vulnerability Preparedness program webpage: <https://www.mass.gov/municipal-vulnerability-preparedness-mvp-program>

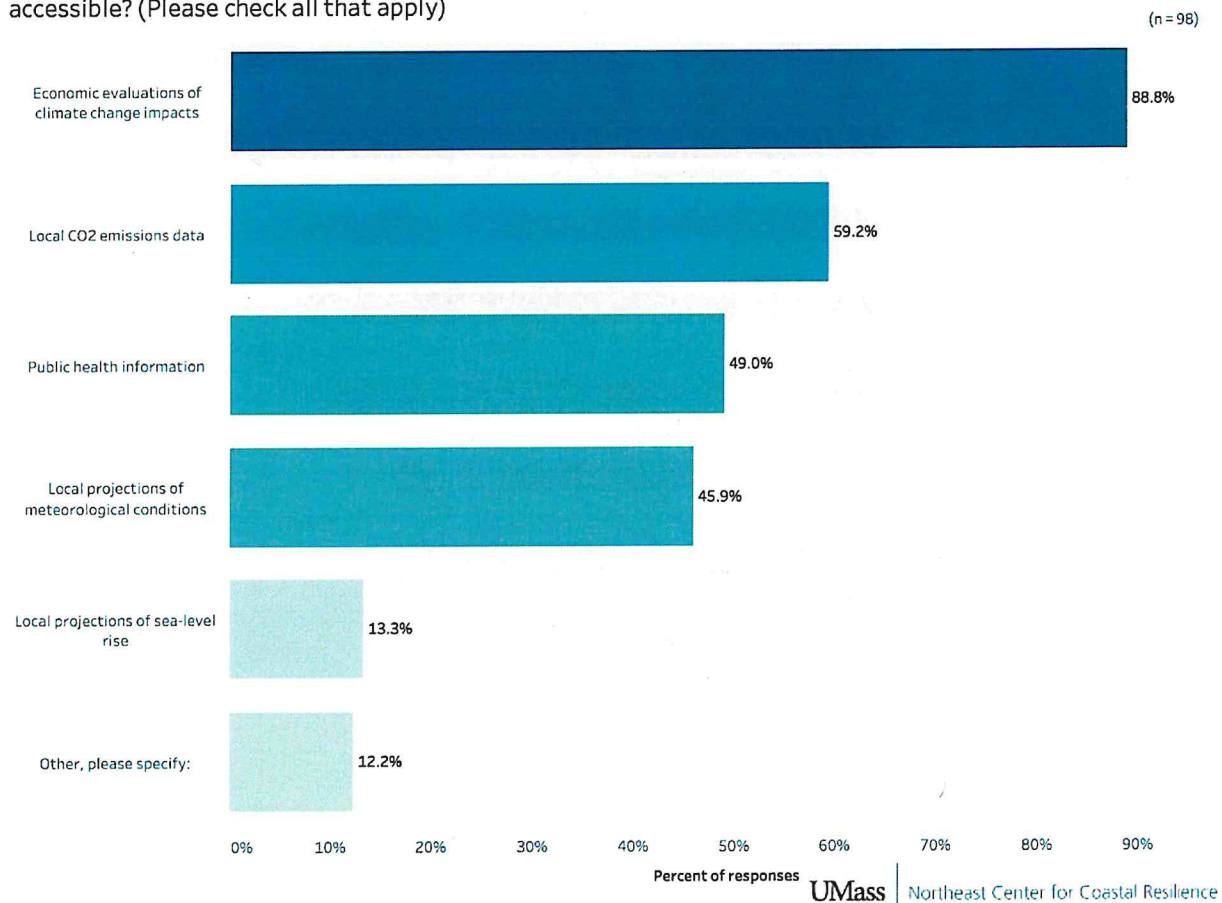
7. INFORMATION AND DATA NEEDS

This section explores the data needs of municipalities and the resources considered most helpful to accelerate the implementation of resilience strategies.

Data needed but not easily accessible

- Economic valuations of climate change impacts (89%) and local CO2 emissions data (59%) are the two types of data most frequently indicated as "needed but not easily accessible" (Figure Q32). It is worth emphasizing that these data are crucial for climate adaptation planning and for monitoring progress in climate mitigation (i.e. actions that reduce emissions of greenhouse gases). (Figure 37)
- Data considered needed but not easily accessible include also: public health information (49%), local projections of meteorological conditions (45%), and sea level rise (13%). (Figure 37)

Figure 37. Data needs - What specific types of data does your municipality need that is not currently easily accessible? (Please check all that apply)



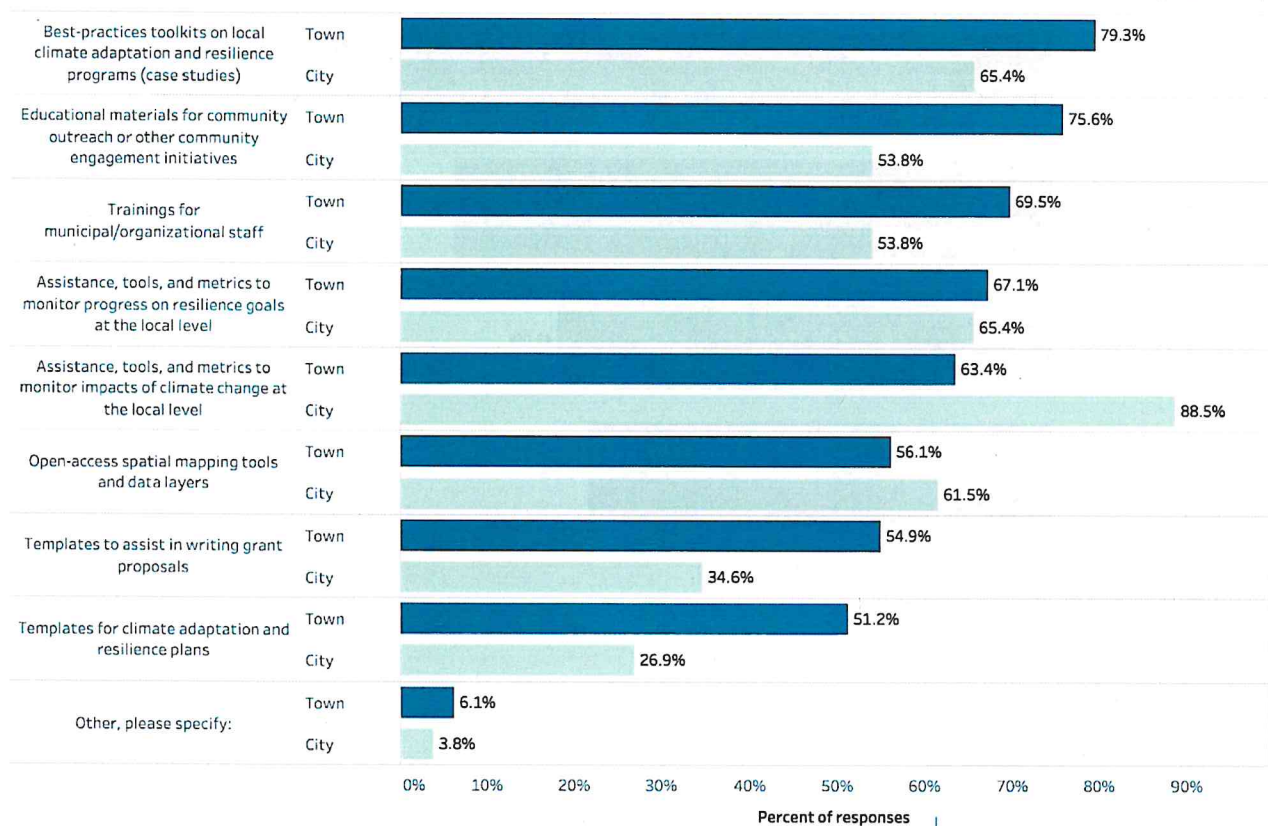
- In specifying “other” data needs, respondents reported: road drainage best-practices, flood modeling, projected stormwater and rainfall data, and transportation and vehicle emissions. They also expressed difficulty allocating limited staffing to locating data when there were so many pressing issues.

Most helpful resources to make progress in climate adaptation and resilience

The resources considered most helpful to municipalities to make progress on their climate adaptation strategies differ somewhat between towns and cities. (Figure 38)

Figure 38. Most helpful resources by towns and cities - What kind of information and data resources would be most helpful to your organization to make progress on climate adaptation and resilience? (Please check all that apply)

(n - Total = 108)
(n - Towns = 82)
(n - Cities = 26)



Towns

- In towns, respondents most frequently selected “best practices toolkits on local climate adaptation and resilience programs (case studies)” (79%). (Figure 38)
- Additional resources considered helpful by town respondents appear connected to education and outreach. They include educational materials for community outreach or other community engagement activities (76%); training for municipal staff (70%); and assistance tools and metrics to monitor progress of resilience goals at the local level (67%). (Figure 38)

Cities

- In cities, respondents most frequently selected as most helpful resources “assistance, tools, and metrics to monitor impacts of climate change at the local level” (89%). (Figure 38)
- Resources considered most helpful by cities seem to focus on monitoring, progress indicators, and data visualization. They include assistance tools and metrics to monitor progress of resilience goals at the local level (65%); best practices toolkits on local climate adaptation and resilience programs (case studies) (65%); and open access spatial mapping tools and data layers (62%). (Figure 38)

The nexus between climate resilience and climate mitigation

Several municipalities highlighted the importance of integrating resilience planning with mitigation strategies, also in term of data collection.

“[There is] lack of data on transportation, GHG emissions, use of fossil fuels in our community, to measure and prediction actions towards net-zero; it is impossible to separate carbon reduction from climate resiliency with our work, and in the public eye.”
- Inland city

“The Climate Resiliency Committee and Select Board adopted town rules to require that all municipal departments must reduce greenhouse gas emissions by 25% by 2025, 50% by 2030, 75% by 2035 and 100% by 2040.”
- Coastal town

"I believe there is a significant psychological impact on us all, even when the climate emergency is only 'hitting the fan' in other states and countries. It would be very empowering and therapeutic to work on local and regional zero carbon infrastructure. More PV farms, more E-cars, and heat pump systems for homes."

- Inland town

"I am afraid the term 'resilience planning' sounds like surrendering to climate change. Like say, building big seawalls against rising oceans. I want to get to zero and then negative-carbon; resiliently or otherwise."

- Inland town

8. THE PERSPECTIVE OF PLANNING AGENCIES

In addition to municipalities, 10 planning agencies completed the survey. Their answers about hazards and impacts experienced by local municipalities supported the results obtained from municipal respondents. In addition, respondents from planning agencies provided insights about ways to improve planning and regulatory process and opportunities to enhance regional coordination efforts. A selection of their observations and suggestions is presented below by theme.

Resource Constraints

"We can assist municipalities but most of them lack the staffing and resources to address climate resilience projects and grant writing."

"Our region struggles with the lack of relevant adaptation solutions for rural communities with very small budgets."

"Some of the tougher issues are finding the resources to do the needed work, and the political challenge of making big investments now, in problems that are not yet pressing."

"Funding that does exist is restrictive in such a way that it makes it difficult to use on basic infrastructure updates that would address climate change."

"Our planning agency would like to dedicate resources (i.e. assessed needs, developed plans or programs) to increase the climate resilience capacity of vulnerable groups but we do not have funding."

"Most of our municipalities have identified and prioritized action steps through the MVP process but implementing them is the challenge."

"There often are not up to date general/master plans for our municipalities. Also, climate adaptation is not a priority in our region outside of the MVP process so it is difficult to incorporate the MVP findings into other planning efforts. Lastly, there is no funding to support climate adaptation. Funding (or competing priorities for limited local funding) is the largest barrier."

Regulatory and permitting challenges

"Permitting is time-consuming and expensive and ought to be streamlined for climate resilience projects."

"State environmental permitting regulations are a significant time/expense barrier to implementing Nature-based Solutions in our region. Culvert replacements in our region cost \$1M + and this is not sustainable either. We have a high need for these projects and the engineering and permitting costs need to be reduced."

"I hear a strong desire for the funding and regulations around infrastructure improvements to be easier. Namely, many of our communities would like to upsize their culvert and storm water infrastructure but find the permitting timelines to be too long, the stream crossing standards to be too costly, and the funding sources too restrictive to get projects moving forward within the timeframe they need."

"State regulations (i.e. wetlands protection act) are not keeping pace with climate change and efforts to update them are not moving fast enough."

Concerns about human migration

"We have seen in-migration of climate refugees and will likely continue to have substantial in-migration from coastal areas, which is resulting in increased developmental pressure, loss of open space and threats to drinking water supplies and quality."

"(Rural) communities are just beginning to express concern about climate-related migration and the impact that this will have on the character of their small towns. This fear could lead to restrictive growth controls and poor long-term zoning decisions."

Data needs and coordination

"Data is limited (some simply don't exist) and often not broken down to a small enough scale to be meaningful."

"If we had more resources to differentiate which underserved communities are suffering most from the effects or future effects of climate change in the region I think that would help with the work we do in a major way."

"[...] up to date flood data is more available for coasts, while inland communities, especially smaller communities, continue to use floodplain maps from the 70s and 80s that no longer reflect their current flood impacts. It can be difficult then for communities to properly prepare for a future of greater flood damage in unexpected places."

"I think a platform for sharing strategies, and better access to funding (or more assistance with accessing that funding) are two of the most important ways to help our communities with climate resilience right now. Many towns know what the issues are but need support in implementing the strategies."

APPENDICES**A1. LIST OF MUNICIPALITIES IN THE SURVEY SAMPLE**

1	Avon
2	Acton
3	Amherst
4	Arlington
5	Ashland
6	Athol
7	Auburn
8	Ayer
9	Barnstable
10	Berkley
11	Beverly
12	Bourne
13	Boxford
14	Boylston
15	Braintree
16	Burlington
17	Carlisle
18	Chatham
19	Chelmsford
20	Chelsea
21	Chilmark
22	Clinton
23	Cohasset

24	Concord
25	Dedham
26	Deerfield
27	Dighton
28	Dover
29	Dracut
30	Eastham
31	Easthampton
32	Fairhaven
33	Falmouth
34	Foxborough
35	Framingham
36	Gill
37	Gloucester
38	Granby
39	Hadley
40	Halifax
41	Harvard
42	Harwich
43	Haverhill
44	Hinsdale
45	Hopkinton
46	Hull
47	Ipswich
48	Kingston
49	Lakeville
50	Lancaster
51	Leicester

52	Leominster
53	Lexington
54	Lowell
55	Lynnfield
56	Mansfield
57	Marlborough
58	Maynard
59	Medford
60	Medway
61	Methuen
62	Middleton
63	Milton
64	Montague
65	Nahant
66	Nantucket
67	Natick
68	New Bedford
69	Newbury
70	Newburyport
71	Newton
72	North Adams
73	North Andover
74	North Reading
75	Northampton
76	Norwell
77	Oak Buffs
78	Pelham
79	Pepperell

80	Peru
81	Pittsfield
82	Plymouth
83	Princeton
84	Provincetown
85	Revere
86	Rockport
87	Salisbury
88	Sandwich
89	Scituate
90	Shutesbury
91	South Hadley
92	Sterling
93	Swansea
94	Tewksbury
95	Tisbury
96	Wakefield
97	Ware
98	Wareham
99	Watertown
100	Wellfleet
101	Wendell
102	West Tisbury
103	Westford
104	Weston
105	Weymouth
106	Whitman
107	Wilmington

108	Winchester
109	Winthrop
110	Woburn
111	Yarmouth

A2. LIST OF PLANNING AGENCIES IN THE SURVEY SAMPLE

1	Berkshire Regional Planning Commission
2	Cape Cod Commission
3	Central Massachusetts Regional Planning Commission
4	Franklin Regional Council of Governments
5	Martha's Vineyard Commission
6	Merrimack Valley Planning Commission
7	Metropolitan Area Planning Council
8	Northern Middlesex Council of Governments
9	Old Colony Planning Council
10	Pioneer Valley Planning Commission

Dear Members of The Capital Outlay Committee,

In my role as a financial advisor, it is my duty to act in a fiduciary capacity, meaning in the best interests of my clients. Upon taking up the role as a member of this committee last spring I planned on doing the same.

It has come to my attention that my residency status in the town has come into question. While I am a registered voter in the town of Bourne, over the past 4 months I have been splitting my time evenly between Bourne & Quincy, as a way to lessen my commute to my office located in Needham. However, as I get busier & my practice continues to grow, I am afraid my time will be spent more often in Quincy than in Bourne.

With that being the case, I cannot in good faith continue to sit on the committee, effective immediately I will be resigning my seat on this committee as well as all others I am apart of. I would like to thank the town for granting me the opportunity this year to be a part of the Capital Outlay Committee & look forward to seeing all the great work they will continue to provide.

Best Regards & Happy Holidays,

Parker Freedman

Dear Members of The Finance Committee,

In my role as a financial advisor, it is my duty to act in a fiduciary capacity, meaning in the best interests of my clients. Upon taking up the role as a member of this committee last spring I planned on doing the same.

It has come to my attention that my residency status in the town has come into question. While I am a registered voter in the town of Bourne, over the past 4 months I have been splitting my time evenly between Bourne & Quincy, as a way to lessen my commute to my office located in Needham. However, as I get busier & my practice continues to grow, I am afraid my time will be spent more often in Quincy than in Bourne.

With that being the case, I cannot in good faith continue to sit on the committee, effective immediately I will be resigning my seat on this committee as well as all others I am apart of. I would like to thank the town for granting me the opportunity last year to be a part of the finance committee & look forward to seeing all the great work they will continue to provide.

Best Regards & Happy Holidays,

Parker Freedman